

STATUTES

OF THE

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OF

V E R M O N T.

Passed by the Legislature in February and March 1787.

X Vermont, State of. Statutes.

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T H E
C O N S T I T U T I O N
O F
V E R M O N T.

WHEREAS, all government ought to be instituted & supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights, and the other blessings which the Author of Existence has bestowed upon man; and whenever those great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

And whereas, the inhabitants of this State have (in consideration of protection only) heretofore acknowledged allegiance to the King of Great-Britain; and the said King has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein not only the troops of Great-Britain, but foreign mercenaries, savages, and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British Parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress) whereby all allegiance and fealty to the said King and his successors, are dissolved and at an end; and all power and authority derived from him ceased in the American Colonies.

And whereas, the territory which now comprehends the State of Vermont, did antecedently of right belong to the government of New-Hampshire; and the former Governor thereof, viz. his Excellency Benning Wentworth, Esq. granted many charters of lands and corporations within this State, to the present inhabitants and others.

And whereas, the late Lieutenant-Governor Colden, of New-York, with others, did in violation of the tenth command, covet those very lands; and by a false representation made to the Court of Great-Britain, (in the year 1764, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to that government) obtained jurisdiction of those very identical lands *ex-parte*, which ever was and is disagreeable to the inhabitants.

And whereas, the Legislature of New-York, ever have and still continue to disown the good people of this State, in their landed property, which will appear in the complaints hereafter inserted, and in the XXXVIth section of their present constitution, in which is established the grants of land made by that government.

They have refused to make re-grants of our lands to the original proprietors and occupants, unless at the exorbitant rate of two thousand three hundred dollars fees for each township; and did enhance the quit-rent three fold, and demanded an immediate delivery of the title derived from New-Hampshire.

The Judges of their Supreme Court have made a solemn declaration, that the charters, conveyances, &c. of the lands included in the before described premises, were utterly null and void, on which said title was founded. In consequence of which declaration, writs of

possession have been by them issued, and the Sheriff of the county of Albany sent at the head of six or seven hundred men, to enforce the execution thereof.

They have passed an act, annexing a penalty thereto, of thirty pounds fine and six months imprisonment on any person who should refuse assisting the Sheriff, after being requested, for the purpose of executing writs of possession.

The Governors Dunmore, Tryon, and Colden, have made re-grants of several tracts of land included in the premises, to certain favourite land-jobbers in the government of New-York, in direct violation of his Britannic Majesty's express prohibition in the year 1767.

They have issued proclamations, wherein they have offered large sums of money for the purpose of apprehending those very persons who have dared boldly and publicly to appear in defence of their just rights.

They did pass twelve acts of outlawry on the 9th day of March, A. D. 1774, empowering the respective Judges of their Supreme Court to award execution of death against those inhabitants in said district, that they should judge to be offenders, without trial.

They have and still continue an unjust claim to those lands, which greatly retards emigration into, and the settlement of, this State.

They have hired foreign troops, emigrants from Scotland, at two different times, and armed them to drive us out of possession.

They have sent the savages on our frontiers to distress us.

They have proceeded to erect the counties of Cumberland and Gloucester, and establish Courts of Justice there, after they were discountenanced by the authority of Great-Britain.

The free Convention of the State of New-York, at Harlem, in the year 1776, unanimously voted, "I hat all quit-rents, formerly due to the King of Great-Britain, are now due and owing to this Convention, or such future government as shall be hereafter established in this State."

In the several stages of the aforesaid oppressions, we have petitioned his Britannic Majesty in the most humble manner for redress, and have, at very great expence, received several reports in our favour; and in other instances, wherein we have petitioned the late legislative authority of New-York, those petitions have been treated with neglect.

And whereas, the local situation of this State from New-York, at the extreme part, is upward of four hundred and fifty miles from the seat of that government, renders it extreme difficult to continue under the jurisdiction of said State.

Therefore, it is absolutely necessary, for the welfare and safety of the inhabitants of this State, that it should be henceforth a free and independent State; and that a just, permanent, and proper form of government, should exist in it, derived from, and founded on, the authority of the people only, agreeable to the direction of the Honorable American Congress.

We the Representatives of the freemen of Vermont, in General Convention met, for the express purpose of forming such a government; confessing the goodness of the great Governor of the Universe (who alone knows to what degree of earthly happiness mankind may attain by perfecting the arts of government) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best for governing their future society; and being fully convinced, that it is our indispensable duty to establish such original principles of government as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against, any particular class, sect, or denomination of men whatever—do, by virtue of authority vested in us by our constituents, ordain, declare, and establish, the following declaration of rights, and frame of government, to be the Constitution of this Commonwealth, and to remain in force

therein forever unaltered, except in such articles as shall hereafter on experience be found to require improvement, and which shall, by the same authority of the people, fairly be delegated, as this frame of government directs; be amended or improved, for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

C H A P T E R I.

A Declaration of the Rights of the Inhabitants of the State of Vermont.

1. **T**HAT all men are born equally free and independent, and have certain natural, inherent, and unalienable rights; amongst which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law to serve any person, as a servant, slave, or apprentice, after he arrives to the age of twenty-one years; nor female in like manner, after she arrives to the age of eighteen years; unless they are bound by their own consent after they arrive to such age; or bound by law for the payment of debts, damages, fines, costs, or the like.

2. That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

3. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; and that no man ought, or of right can be compelled, to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship; and that no authority can, or ought to, be vested in, or assumed by, any power whatsoever, that shall in any case interfere with, or in any manner control, the rights of conscience, in the free exercise of religious worship: nevertheless, every sect or denomination of christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship which to them shall seem most agreeable to the revealed will of God.

4. Every person within this Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to purchase it—completely, and without any denial—promptly, and without delay; conformably to the laws.

5. That the people of this State, by their legal Representatives, have the sole, exclusive, and inherent right, of governing and regulating the internal police of the same.

6. That all power being originally inherent in, and consequently derived from, the people: therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

7. That government is or ought to be, instituted for the common benefit, protection, and security, of the people, nation, or community; and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community: and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

8. That

8. That those who are employed in the legislative and executive business of the State may be restrained from oppression, the people have a right, by their legal Representatives, to enact laws for reducing their public officers to a private station, and for supplying their vacancies, in a constitutional manner, by regular elections, at such periods as they may think proper.

9. That all elections ought to be free and without corruption; and that all freemen having a sufficient evident common interest with, and attachment to, the community, have a right to elect officers, and be elected into office.

10. That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of the representative body of the freemen: nor can any man, who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent: nor are the people bound by any law, but such as they have in like manner assented to for their common good. And previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the Legislature to be of more service to the community, than the money would be if not collected.

11. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his counsel—to demand the cause and nature of his accusation—to be confronted with the witnesses—to call for evidence in his favor, and a speedy public trial by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty:—nor can he be compelled to give evidence against himself:—nor can any man be justly deprived of his liberty, except by the laws of the land, or the judgment of his Peers.

12. That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure; and therefore warrants, without oaths or affirmations first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted.

13. That no warrant or writ to attach the person or estate of any freeholder within this State, shall be issued in civil action, without the person or persons who may request such warrant or attachment, first make oath, or affirm before the authority who may be requested to issue the same, that he or they are in danger of losing his, her, or their debts.

14. That when an issue in fact, proper for the cognizance of a jury, is joined in a Court of law, the parties have a right to a trial by jury; which ought to be held sacred.

15. That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government:—and therefore the freedom of the press ought not to be restrained.

16. The freedom of deliberation, speech and debate, in the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

17. The power of suspending laws, or the execution of laws, ought never to be exercised, but by the Legislature, or by authority derived from it, to be exercised in such particular cases only as the Legislature shall expressly provide for.

18. That the people have a right to bear arms for the defence of themselves and the State:—and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

19. That

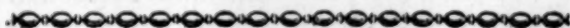
19. That no person in this Commonwealth can, in any case, be subjected to law martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

20. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought therefore to pay particular attention to these points, in the choice of officers and Representatives; and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the State.

21. That all people have a natural and inherent right to emigrate from one State to another that will receive them; or to form a new State in vacant countries, or in such countries as they can purchase, whenever they think that thereby they can promote their own happiness.

22. That the people have a right to assemble together to consult for their common good—to instruct their Representatives—and to apply to the Legislature for redress of grievances, by address, petition, or remonstrance.

23. That no person shall be liable to be transported out of this State, for trial for any offence committed within the same.



CHAPTER II.

PLAN OR FRAME OF GOVERNMENT.

SECTION I.

THE Commonwealth or State of Vermont, shall be governed hereafter by a Governor, (or Lieutenant-Governor) Council, and an Assembly of the Representatives of the freemen of the same, in manner and form following.

SECTION II.

The supreme legislative power shall be vested in a House of Representatives of the freemen, or Commonwealth, or State of Vermont.

SECTION III.

The supreme executive power shall be vested in a Governor (or in his absence a Lieutenant-Governor) and Council.

SECTION IV.

Courts of justice shall be maintained in every county in this State, and also in new counties when formed; which Courts shall be open for the trial of all causes proper for their cognizance, and justice shall be therein impartially administered, without corruption,

Or unnecessary delay. The Judges of the Supreme Court shall be Justices of the Peace throughout the State, and the several Judges of the County Courts in their respective counties, by virtue of their offices, (except in the trial of such causes as may be appealed to the County Court.)

S E C T I O N V.

A future Legislature may, when they shall conceive the same to be expedient and necessary, erect a Court of Chancery, with such powers as are usually exercised by that Court, or as shall appear for the interest of the Commonwealth. Provided they do not constitute themselves the Judges of the said Court.

S E C T I O N VI.

The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

S E C T I O N VII.

In order that the freemen of this State might enjoy the benefit of election as equally as may be, each town within this State, that consists, or may consist, of eighty taxable inhabitants, within one septenary or seven years next after the establishing this Constitution, may hold elections therein, and choose each two Representatives; and each other inhabited town in this State, may in like manner choose each one Representative, to represent them in General Assembly, during the said septenary or seven years; and after that, each inhabited town may in like manner hold such election, & choose each one Representative forever thereafter.

S E C T I O N VIII.

The House of Representatives of the freemen of this State, shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the freemen of every town in this State respectively, on the first Tuesday of September annually, forever.

S E C T I O N IX.

The Representatives so chosen, (a majority of whom shall constitute a quorum for transacting any other business than raising a State tax, for which two thirds of the members elected shall be present) shall meet on the second Thursday of the succeeding October, and shall be stiled, *The General Assembly of the State of Vermont*: they shall have power to choose their Speaker, Secretary of the State, their Clerk, and other necessary officers of the House—sit up their own adjournments—prepare bills and enact them into laws—judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their constituents antecedent to their election: they may administer oaths or affirmations, in matters depending before them—redress grievances—impeach State criminals—grant charters of incorporation—constitute towns, boroughs, cities, and counties: they may annually, in the first session after their election, and at other times when vacancies happen, choose Delegates to Congress: and shall also, in conjunction with the Council, annually, (or oftener if need be) elect Judges of the Supreme and several County and Probate Courts, Sheriffs, and Justices of the Peace; and also, with the Council, may elect

elect Major-Generals and Brigadier-Generals, from time to time, as often as there shall be occasion: and they shall have all other powers necessary for the Legislature of a free and sovereign State:—But they shall have no power to add to, alter, abolish, or infringe, any part of this Constitution.

S E C T I O N X.

The supreme executive Council of this State, shall consist of a Governor, Lieutenant-Governor, and twelve persons, chosen in the following manner, viz. The freemen of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the Constable, who shall seal them up, and write on them, *Votes for the Governor*, and deliver them to the Representative chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a Committee appointed out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count, the votes for the Governor, and declare the person who has the major part of the votes, to be Governor for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint ballot, shall make choice of a Governor.—The Lieutenant-Governor and Treasurer shall be chosen in the manner above directed.—And each freeman shall give in twelve votes for twelve Councillors, in the same manner; and the twelve highest in nomination shall serve for the ensuing year as Councillors.

S E C T I O N XI.

The Governor, and in his absence the Lieutenant-Governor, with the Council, (a major part of whom, including the Governor or Lieutenant-Governor, shall be a quorum to transact business) shall have power to commissionate all officers,—and also to appoint officers, except where provision is or shall be otherwise made by law, or this frame of government,—and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this Constitution. They are to correspond with other States—transact business with officers of government civil and military—and to prepare such business as may appear to them necessary to lay before the General Assembly. They shall sit as Judges to hear and determine on impeachments, taking to their assistance, for advice only, the Judges of the Supreme Court. And shall have power to grant pardons, and remit fines, in all cases whatsoever except in treason and murder, in which they shall have power to grant reprieves, but not to pardon until after the end of the next session of Assembly; and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation. They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by the General Assembly. And they may draw upon the Treasurer for such sums as may be appropriated by the House of Representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the House only. They may grant such licences as shall be directed by law; and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be Captain-General and Commander in Chief of the forces of the State, but shall not command in person, except advised thereto by the Council, and then only.

only as long as they shall approve thereof: and the Lieutenant-Governor shall, by virtue of his office, be Lieutenant-General of all the forces of the State. The Governor, or Lieutenant-Governor, and the Council, shall meet at the time and place with the General Assembly: the Lieutenant-Governor shall, during the presence of the Commander in Chief, vote and act as one of the Council: and the Governor, and in his absence the Lieutenant-Governor, shall, by virtue of their offices, preside in Council, and have a casting but no other vote. Every member of the Council shall be a Justice of the Peace for the whole State, by virtue of his office. The Governor and Council shall have a Secretary, and keep fair books of their proceedings, wherein any Councillor may enter his dissent, with his reasons to support it.

S E C T I O N XII.

The Representatives, having met, and chosen their Speaker and Clerk, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance herein after directed, (except where they shall produce certificates of their having theretofore taken and subscribed the same) as the following oath or affirmation, viz.

You ——— do solemnly swear, (or affirm) that as a member of this Assembly, you will not propose, or assent, to any bill, vote, or resolution, which shall appear to you injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this State; but will, in all things, conduct yourself as a faithful, honest Representative and Guardian of the people, according to the best of your judgment and abilities. (In case of an oath) So help you God. (And in case of an affirmation) Under the pains and penalties of perjury.

And each member, before he takes his seat, shall make and subscribe the following declaration, viz.

You do believe in one God, the Creator and Governor of the universe, the rewarder of the good, and punisher of the wicked. And you do acknowledge the Scriptures of the Old and New Testament to be given by divine inspiration; and own and profess the Protestant religion.

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this State.

S E C T I O N XIII.

The doors of the house in which the General Assembly of this Commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the State may require them to be shut.

S E C T I O N XIV.

The votes and proceedings of the General Assembly shall be printed (when one third of the members think it necessary) as soon as conveniently may be after the end of each session, with the yeas and nays on any question when required by any member, (except where the votes shall be taken by ballot) in which case every member shall have a right to insert the reasons of his vote upon the minutes.

S E C T I O N

SECTION XV.

The title of the laws of this State, in future to be passed, shall be, *It is hereby enacted by the General Assembly of the State of Vermont.*

SECTION XVI.

To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills which originate in the Assembly shall be laid before the Governor and Council for their revision and concurrence, or proposals of amendment; who shall return the same to the Assembly with their proposals of amendment (if any) in writing; and if the same are not agreed to by the Assembly, it shall be in the power of the Governor and Council to suspend the passing of such bills until the next session of the Legislature. Provided, that if the Governor and Council shall neglect or refuse to return any such bill to the Assembly with written proposals of amendment, within five days, or before the rising of the Legislature, the same shall become a law.

SECTION XVII.

No person ought, in any case, or in any time, to be declared guilty of treason or felony by the Legislature.

SECTION XVIII.

Every man, of the full age of twenty-one years, having resided in this State for the space of one whole year next before the election of Representatives, and is of a quiet and peaceable behaviour, and will take the following oath, (or affirmation) shall be entitled to all the privileges of a freeman of this State.

You solemnly swear, (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any man.

SECTION XIX.

The inhabitants of this Commonwealth shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as the General Assembly shall by law direct. The several companies of militia shall, as often as vacancies happen, elect their Captains and other inferior officers; and the Captains and subalterns shall nominate, and recommend the field officers of their respective regiments, who shall appoint their staff officers.

SECTION XX.

All commissions shall be in the name of the freemen of the State of Vermont, sealed with the State seal, signed by the Governor, and in his absence the Lieutenant-Governor, and attested by the Secretary; which seal shall be kept by the Council.

S E C T I O N XXI.

Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation, or removal for maladministration. All impeachments shall be before the Governor, or Lieutenant-Governor and Council, who shall hear and determine the same, and may award costs.

S E C T I O N XXII.

As every free man, to preserve his independence, (if without a sufficient estate) ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, faction, contention, corruption and disorder, among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the Legislature. And if any officer shall take greater or other fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this State.

S E C T I O N XXIII.

No person in this State, shall be capable of holding or exercising more than one of the following offices, at the same time, viz. Governor, Lieutenant-Governor, Judge of the Supreme Court, Treasurer of the State, member of the Council, member of the General Assembly, Surveyor-General, or Sheriff.

S E C T I O N XXIV.

The Treasurer of the State shall, before the Governor and Council, give sufficient security to the Secretary of the State, in behalf of the General Assembly; and each High Sheriff before the first Judge of the County Court, to the Treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner, and in such sums as shall be directed by the Legislature.

S E C T I O N XXV.

The Treasurer's accounts shall be annually audited, and a fair state thereof laid before the General Assembly, at their session in October.

S E C T I O N XXVI.

Every officer, whether judicial, executive, or military, in authority under this State, before he enter upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this State, (unless he shall produce evidence that he has before taken the same) and also the following oath or affirmation of office, (except such as shall be exempted by the Legislature) viz.

The

The oath or affirmation of allegiance.

You do solemnly swear, (or affirm) that you will be true and faithful to the State of Vermont; and that you will not, directly or indirectly, do any act or thing injurious to the Constitution or government thereof, as established by Convention. (If an oath) So help you God. (If an affirmation) Under the pains and penalties of perjury.

The oath or affirmation of office.

You ——— do solemnly swear, (or affirm) that you will faithfully execute the office of ——— for the ——— of ———; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. (If an oath) So help you God. (If an affirmation) Under the pains and penalties of perjury.

S E C T I O N XXVII.

Any Delegate to Congress may be superseded at any time, by the General Assembly appointing another in his stead. No man shall be capable of being a Delegate to represent this State in Congress for more than three years in any term of six years;—and no person who holds any office in the gift of Congress, shall, during the time of his holding such office, be elected to represent this State in Congress.

S E C T I O N XXVIII.

Trials of issues, proper for the cognizance of a jury, in the Supreme and County Courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of juries.

S E C T I O N XXIX.

All prosecutions shall commence by the authority of the State of Vermont—all indictments shall conclude with these words, *against the peace and dignity of the State*. And all fines shall be proportionate to the offenses.

S E C T I O N XXX.

The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, *bona fide*, all his estate, real and personal, in possession, reversion, or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offences.

S E C T I O N XXXI.

All elections, whether by the people, or in General Assembly, shall be by ballot, free and voluntary: and any elector, who shall receive any gift or reward for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the laws shall direct: and any person who shall, directly or indirectly, give,

give, promise, or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future Legislature shall direct.

S E C T I O N XXXII.

All deeds and conveyances of land shall be recorded in the Town Clerk's office in their respective towns; and, for want thereof, in the County Clerk's office of the same county.

S E C T I O N XXXIII.

The Legislature shall regulate entails in such manner as to prevent perpetuities.

S E C T I O N XXXIV.

To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishment less necessary, means ought to be provided for punishing by hard labour those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons: and all persons, at proper times, ought to be permitted to see them at their labour.

S E C T I O N XXXV.

The estates of such persons as may destroy their own lives, shall not, for that offence, be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article, which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited, on account of such misfortune.

S E C T I O N XXXVI.

Every person, of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land, or other real estate; and, after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this State, except that he shall not be capable of being elected Governor, Lieutenant-Governor, Treasurer, Councillor, or Representative in Assembly, until after two years residence.

S E C T I O N XXXVII.

The inhabitants of this State shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not inclosed; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the General Assembly.

S E C T I O N

SECTION XXXVIII.

Laws for the encouragement of virtue, and prevention of vice and immorality, ought to be constantly kept in force, and duly executed: and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth; and one or more grammar schools be incorporated, and properly supported, in each county in this State. And all religious societies, or bodies of men, that may be hereafter united or incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected, in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the General Assembly of this State shall direct.

SECTION XXXIX.

The declaration of the political rights and privileges of the inhabitants of this State, is hereby declared to be a part of the Constitution of this Commonwealth; and ought not to be violated on any pretence whatsoever.

SECTION XL.

In order that the freedom of this Commonwealth may be preserved inviolate forever, there shall be chosen, by ballot, by the freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday in March in every seven years thereafter, *thirteen persons*, who shall be chosen in the same manner the Council is chosen, except they shall not be out of the Council or General Assembly; to be called *The Council of Censors*; who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a Convention, in which two thirds of the whole number elected shall agree:—and whose duty it shall be to inquire, whether the Constitution has been preserved inviolate in every part, during the last septenary (including the year of their service); and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they are entitled to by the Constitution:—they are also to inquire, whether the public taxes have been justly laid and collected in all parts of this Commonwealth—in what manner the public monies have been disposed of—and whether the laws have been duly executed. For these purposes, they shall have power to send for persons, papers, and records: they shall have authority to pass public censures—to order impeachments—and to recommend to the Legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the Constitution:—these powers they shall continue to have, for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this Constitution which may be defective—explaining such as may be thought not clearly expressed—and of adding such as are necessary for the preservation of the rights and happiness of the people: but the articles to be

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Amended, and the amendments proposed, and such articles as are proposed to be added or
abolished, shall be promulgated at least six months before the day appointed for the election
of such Convention, for the previous consideration of the people, that they may have an
opportunity of instructing their Delegates on the subject.

By order of Convention, July 4th, 1786.

MOSES ROBINSON, President.

Attest, ELIJAH PAINE, Secretary.

STATUTES

S T A T U T E S,

Passed by the Legislature of the State of Vermont.

An act relating to Auditors and actions of account.

Passed March 3^d.
1787.

For the better regulating actions of account,

Preamble.

BE it enacted by the General Assembly of the State of Vermont, That when any defendant, in any action of account depending in any County Court in this State, shall plead in his defence any plea, (which being true he ought not to account) it shall be tried by a jury : and if a verdict be found against him, the Court shall enter up judgment that he account : and in such case, and also where such judgment shall be given on confession, the Court may appoint three able judicious and indifferent men, Auditors in the cause ; who shall be sworn to hear, examine, and adjust the account or accounts : and the Auditors appointed as aforesaid, are hereby authorized and empowered to fix a time and place for the hearing and adjusting the accounts aforesaid : and upon the defendant's refusal (due notice being given him of the time and place affixed) to attend upon them, and produce his accounts, the Auditors shall award to the plaintiff the whole of his demands : and upon the parties producing to them their accounts, the Auditors shall have power to administer an oath unto them to answer such interrogatories as they shall think proper, respecting their accounts : and upon either of the parties refusal to take such oath, or to answer directly to such interrogatories, it shall be in the power of the Auditors to commit the party so refusing, to goal, there to remain at his own charge, till he will account, or answer as aforesaid.

The County
Courts may ap-
point Auditors,

their duty

and power.

And when the Auditors have adjusted the accounts, or awarded as aforesaid, and returned the same to Court (either at the same session or the next) that judgment shall be made up for the recovery of the sum awarded, and cost, without appeal or review ; together with such reasonable costs for the service of the Auditors as the Court shall award ; which shall be, by the party in whose favor the case is determined, then paid down to the Auditors, and shall be allowed him in his bill of cost.

Final judgment
to be rendered for
the sum awarded
and costs.

Provided, That nothing herein contained shall be construed to prevent the appeal or either plaintiff or defendant, from a judgment rendered on the verdict of a jury.

Provided,

That

Adultery, Polygamy, and Fornication.

The like proceedings to be in actions on book accounts.

The original book to be produced.

Proviso.

Justices power to audit accounts.

That in all actions brought on book accounts, and depending before any County or Supreme Court, the like method may be taken in appointing Auditors for the adjustment of accounts between the parties; and the Court shall enter up judgment for the recovery of such sum or sums as shall be found to be in arrear by either party, with additional costs as aforesaid; and no person shall be allowed his oath touching the merits of the cause in question, until judgment to account shall be given in such action, either after verdict or confession. And in all actions on book accounts, the original books shall be produced in Court, as well as before Auditors appointed as aforesaid: and no account shall be allowed upon the parties oaths, unless such original book be produced as aforesaid, except it shall appear that the same was providentially lost.

Provided always, That the plaintiff or defendant not residing in this State a sworn copy of the original entry on book of such non-resident shall be allowed in stead of the original entry.

Be it further enacted by the authority aforesaid, That Justices of the Peace shall have the same power in actions of account on book, as is in this act given to the County Courts, except that they shall have no power to appoint Auditors, but shall, after judgment or decree that the defendant account, proceed in person to audit such accounts.

Passed February 27, 1787.

An act against Adultery, Polygamy, and Fornication.

Preamble.

WHEREAS, the violation of the marriage covenant is contrary to the command of God, and destructive to the peace of families:

Punishment of a person found in bed with another's wife, &c.

Punishment of adultery.

BE it therefore enacted by the General Assembly of the State of Vermont, That any man be found in bed with another man's wife, or woman with another husband, the persons so offending, being thereof convicted before the Supreme Court, shall be severely whipped on the naked body, not exceeding thirty-nine stripes; unless it shall appear upon trial, that it was involuntary in one of the parties; in which case no punishment shall be inflicted on such party not consenting.

And if any person shall commit adultery, and be thereof convicted before the Supreme Court, he, she, or they, shall be set upon the gallows, for the space of an hour, with a rope or ropes about his, her, or their neck or necks, and the other end cast over the gallows; and also shall be severely whipped on the naked body, not exceeding thirty-nine stripes; and shall, from the expiration of twenty-four hours after such conviction, during their abode in this State wear a capital A of two inches long, and proportionable bigness, cut out of cloth

Adultery, Polygamy, and Fornication.

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cloth of a contrary colour to their clothes, and sewed upon their upper garment, on the out side of their arm, or on their back, in open view. And if any person or persons, having been convicted and sentenced for such offence, shall, at any time, be found without their letter so worn, during their abode in this State, he or they shall, by warrant from any Justice of the Peace, be forthwith apprehended, and publicly whipped, not exceeding ten stripes; and so from time to time, *toties quoties*.

That if any man and woman, who have been, or shall hereafter be, divorced according to law, or where their marriage has been, or shall be, declared null and void, shall cohabit or converse together as man and wife, and be thereof convicted as aforesaid, every such person shall suffer the like pains and penalties as are above mentioned.

Punishment for divorced persons cohabiting together.

Be it further enacted by the authority aforesaid, That if any person or persons in this State, being married, or who shall hereafter marry, do at any time presume to marry any other person, the former or other husband or wife being alive, or shall continue to live together so married, that then every such offender shall suffer and be punished as in case of adultery; and such marriage shall be, and hereby is declared to be, null and void: which offenders shall be tried in the county where they shall be apprehended.

Punishment of Polygamy.

Always provided, That this act, or any thing therein contained, shall not extend to any person or persons whose husband or wife shall be continually remaining beyond the seas, by the space of seven years together; or whose husband or wife shall absent him or herself, the one from the other, by the space of seven years together, in any part of this or the United States of America, or elsewhere, the one of them not knowing the other to be living within that time.

Provido.

Provided also, That this act shall not extend to any person or persons, whose husband or wife has lately, or shall hereafter, go to sea in any vessel, bound from one port to another, where the passage is usually made in three months time, and such vessel has not been, or shall not be, heard of within the space of three full years next after their putting to sea from such port; or shall only be heard of under such circumstances as may rather confirm the opinion, commonly received, of the whole company's being utterly lost. But in every such case, the matter being represented to the Supreme Court, and made so to appear, the person whose husband or wife is, or shall be, in this manner parted from her or him, may be esteemed and declared single and unmarried; and upon such declaration thereof, and liberty obtained from the said Supreme Court, may lawfully marry again. Any thing in this act, to the contrary, notwithstanding.

Provido.

Provided also, That this act, so far as the same relates to polygamy, shall not extend to any person or persons, that are, or shall be, at the time of such marriage, divorced, by any sentence had, or hereafter to be had, agreeably to law; nor to any person or persons, where the former marriage has been, or shall

Provido.

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shall

Appointment and regulating Attornies.

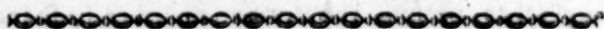
Punishment of
Fornication.

shall hereafter by such sentence be, declared to be void and of none effect; nor to any person or persons, for or by reason of any former marriage had or made, or hereafter to be had or made, within the age of consent, that is to say, the man fourteen years of age, and the woman twelve.

And be it further enacted by the authority aforesaid, That every person who shall commit Fornication within this State, and be duly convicted thereof, before any County Court in this State, before the intermarriage of such persons offending, shall pay a fine, not exceeding four pounds, to the treasury of the county where such conviction shall be had; and if unable to pay the same, he or she shall be assigned in service by the Court before whom the conviction shall be had.

Provide.

Provided, That such prosecution shall be commenced within three months after the offence committed.



Passed March 8,
1787.

An act for the appointment and regulating of Attornies, and pleadings at the bar.

Courts to ap-
point Attornies

BE it enacted by the General Assembly of the State of Vermont, That the Supreme and County Courts in this State shall appoint, and they are hereby empowered to nominate and appoint, Attornies, as there shall be occasion, to plead at the bar; which Attornies shall, before the Court appointing them, take the following oath, viz:

Their oath.

You swear by the ever-living God, that you will do no falsehood, nor consent to any to be done, in the Court; and if you know of any to be done in the Court, you shall give knowledge thereof to the Justices or Judges of said Court, that the same may be reformed. You shall not wittingly and willingly, or knowingly, promote, sue, or procure to be sued, any false or unlawful suit, or give aid or consent to the same. You shall demean yourself in the office of an Attorney within the Court, according to your best learning and discretion, and with all good fidelity, as well to the Court, as to the client. So help you God.

To be registered.

The administering and taking of which oath, together with the appointment of any Attorney, shall be registered by the Clerk of the Court wherein he shall be admitted, and shall be a sufficient evidence of his admission as an Attorney at the bar, in any Court in this State.

Provide.

Provided always, That the Supreme Court of Judicature in this State, shall hereafter have the exclusive right of appointing and admitting Attornies to plead at their bar; and no Attorney, who shall be admitted to plead in the County Courts, as aforesaid, (except the several State Attornies) shall thereby be authorized or empowered to plead in the Supreme Court, without permission or licence first obtained from the Supreme Court.

And

And be it further enacted by the authority aforesaid, That in each county in this State, there shall be one State's Attorney, who shall prosecute, manage, and plead, in the county wherein he is appointed, in all matters proper for, and in behalf of, this State; which Attorney shall be appointed by the respective County Courts, and shall have a right to plead, in behalf of the State, as well in the Supreme as County Court, in the county where he is appointed: and the several Attornies, who shall be allowed and appointed as aforesaid, shall, from time to time, be under the direction of the Courts before whom they plead; and the several Courts shall have power to suspend or displace any of their Attornies, for misdemeanors, or fine them not exceeding ten pounds, for each offence.

State's Attorney

Attornies to be under Courts direction.

And that persons allowed as Attornies may be duly qualified to practice,

Preamble.

Be it further enacted by the authority aforesaid, That no person shall hereafter be licenced, by either of the Courts above mentioned, to practice the law in this State, without such person applying shall have previously studied at least three years with a licenced Attorney of this State, and, upon examination by the said Court, shall be found to have a competent knowledge of the laws; or unless the person applying for licence shall have obtained a degree of Bachelor of Arts, in some University or College, and have studied at least two years with a licenced Attorney of this State, and upon examination by the said Court, shall be found to have a competent knowledge of the laws for that purpose.

Attornies, how qualified.

An act for regulating and auditing the public Accounts.

Passed Feb. 27th 1787.

FOR preventing of inconveniencies in the public accounts, and that no arrears in the State accounts be standing out after the year be expired:

Preamble.

BE it enacted by the General Assembly of the State of Vermont, That proper persons shall, by the General Assembly, be appointed annually, in October, to make up and audit the State's accounts with the Treasurer of the State; which accounts shall be audited and perfected before the next annual sitting of the General Assembly. And all persons who shall be appointed to audit said accounts, shall, before their entering upon that service, take an oath for the faithful performance of their trust. That the Treasurer shall make himself debtor for the several sums due from every of the towns in this State, and all monies paid into the treasury, and also for all fines belonging to the State treasury, which shall come to his knowledge; and give himself credit for the several payments and abatements made, (according to law) until he shall balance the State accounts as aforesaid: and this the said Treasurer shall do annually, on the penalty of one hundred pounds, to be forfeited to the public treasury, for every month after such session annually, that he shall neglect to make up and perfect said

Auditors to be appointed.

And sworn:

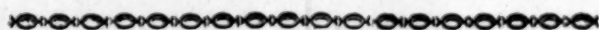
Treasurer to make himself debtor, &c.

Penalty for omission.

said accounts ; to be sued for and recovered by the Secretary of the State, to and for the use of the State, by virtue of directions to be given him by the Auditors.

Clerk of Supreme Court to give an account of fines, &c.

And be it further enacted by the authority aforesaid, That the Clerk of the Supreme Court shall annually give an account to the Treasurer of the State, of all the fines due to the public treasury, and from whom payable, that the same may be collected and disposed of for the use of the State; and shall also transmit a copy thereof, at the same time, to the Auditors of public accounts.



Passed Feb. 27, 1787.

An act against Barratry and common Barrators.

Fine for barratry.

Vexatious suits may be rejected.

BE it enacted by the General Assembly of the State of Vermont, That if any person shall be proved and adjudged a common Barrator, vexing others by promoting unjust, frequent, and needless suits, he shall pay a fine of ten pounds to the treasury of the county, by order of the Court before whom he shall be convicted ; and before the same Court shall become bound, with two sureties, for his good behaviour, (for one year at least) or on refusal, shall be committed to prison, there to remain for said time, or until he find sureties as aforesaid. And the Court before whom any such vexatious suit shall be brought, may, and is hereby empowered, to reject such suit, giving cost to the adverse party.



Passed Feb. 27, 1787.

An act concerning Bastards and Bastardy.

Person accused to be accountable, &c. unless acquitted by the Court.

Accused person to be bound over

BE it enacted by the General Assembly of the State of Vermont, That he who is accused by any woman of being the father of a bastard child, begotten of her body, she continuing constant in such accusation, being examined upon oath, and put to the discovery of the truth in the time of her travail, shall be adjudged the reputed father of such child, notwithstanding his denial thereof ; and shall stand charged with the maintenance thereof, with the assistance of the mother, as the County Court in that county where such child is born shall order ; and give security to perform such order, and also to save the town or place where such child is born, free from charge for its maintenance. And said Court may commit to prison such reputed father, until he find sureties for the same, unless the pleas, proofs, and evidence, made and produced on the part of the man, and other circumstances, be such, that the Court, having cognizance of the same, shall see reason to adjudge him innocent ; in which case they shall and may otherwise dispose of such child. And every Justice of the Peace, at his discretion, may bind to the next County Court, him that is charged with begetting

Marking Cattle and Sheep.

Civil Actions.

29

begetting such bastard child; and if the woman be not then delivered, said Court may order the continuance or removal of the bond, that he may be forthcoming when such child is born.

And be it further enacted by the authority aforesaid, That whenever the woman shall neglect to prosecute for the maintenance of her bastard child, the Selectmen of any town interested in the support of such child, where sufficient security shall not be offered to save said town from all charge and expence of maintaining the same, may bring forward a suit, in behalf of such town, against him who shall be accused of begetting such child; and may also take up and pursue any suit begun by the mother of such child, for the maintenance thereof, in case she shall fail to prosecute the same to final judgment.

Selectmen may prosecute for maintenance of the child.

An act for marking and branding Cattle and Sheep.

Passed March 21 1787.

TO prevent disputes and differences that may arise in the owning and claiming of Cattle and Sheep, that may be lost or stray away,

Preamble.

BE it enacted by the General Assembly of the State of Vermont, That all the owners of any Cattle or Sheep, within this State, may ear mark or brand all their Cattle and Sheep, and cause their several marks or brands to be registered in the town book.

Cattle and Sheep may be marked or branded.

And if any person or persons shall alter, cut out, or deface, the mark or brand of any such Cattle or Sheep, not being the proper owner thereof, or without the leave of the owner, he or they, so offending, and being duly convicted thereof before any Court proper to try the same, shall forfeit treble the value of the Cattle or Sheep whose mark or brand shall be so altered, cut out, or defaced; one half to him or them who shall prosecute the same to effect, and the other half to the treasury of the county where the offence shall be committed, if the prosecution shall be in the County Court; and to the treasury of the town where the offence shall be committed, if the prosecution be before a Justice of the Peace.

Penalty for altering the marks.

An act regulating processes and proceedings in civil Causes.

Passed March 21 1787.

SINCE without regularity, which is the beauty, and ought to be the tenor of every proceeding, it is not to be expected that any thing can be happily accomplished; much less that the various actions and pleas that may arise among the good people of this State, may be issued and determined with precision and justice. Therefore, that our system of jurisprudence may most effectually answer the beneficial purposes for which it was designed:

Preamble.

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B

Civil processes to be by summonses or attachments.

By whom writs to be signed.

The extent of them.

To contain a declaration. To whom to be directed.

When to be served.

How to be served.

When attachment may be granted.

BE it enacted by the General Assembly of the State of Vermont, That the ordinary mode of process in civil causes, in the several Courts of Judicature within this State, shall be by summons or attachment, and according to the form provided by law. And every process to be commenced before any County Court within this State, shall be signed by a Judge or Clerk of the County Court before which the cause is to be tried, or by a Justice of the Peace of the same county. And all writs and processes triable in the Supreme Court, and therein originally commenced, shall be signed by a Judge of the same. And all writs, signed by a Judge or Clerk of the County Court, as aforesaid, as well original as judicial, shall run into any county or place within this State, and be there executed by any officers to whom directed.

And all original writs, returnable in either of said Courts, shall mention the Court, time and place of appearance, and contain a declaration, setting forth the cause of the action, according to due form of law. And all writs and processes, issued as aforesaid, shall be directed to the Sheriff, his Deputy, or some Constable of the town where the service is to be made, except where both Sheriff and Constable are parties, or interested, in which case the writ may be directed to, and the service done by, any Constable within the county: and in case no such officer can be seasonably had, the writ may be directed to an indifferent person, being named, and shall be served, in all cases, twelve days, at least, before the time of sitting of the Court to which it is returnable, including the day of service: and that no writ, in a civil cause, shall be made returnable at any adjourned County Court.

And be it further enacted by the authority aforesaid, That all writs of summons shall be served by reading the same to the defendant, or by leaving an attested copy thereof at his or her last and usual place of abode. And that when the goods or estate of any person shall be attached at the suit of another, a copy of said attachment, and a list of the articles attached, attested by the officer serving the same, shall be delivered to the party whose goods or estate are attached, or left at his or her dwelling house, or last and usual place of abode. And if the person, whose estate is attached, is not an inhabitant of this State, then such copy shall be left with his or her tenant, agent, or attorney, if any be known, or, for want thereof, at the place where such estate was attached, and the serving thereof shall be certified by a sworn officer who executed the attachment, or by the affidavit of some disinterested person who delivered the same.

And be it further enacted by the authority aforesaid, That no attachment shall be granted against any person who is a freeholder and inhabitant of this State, until the person requesting the same shall make oath, or affirm, before the authority to whom application shall be made, that he is in danger of losing the matter in demand, and also give sufficient security to prosecute his action to effect, and answer all damages if he shall not support it: and in such case attachment may be granted against the goods or estate of the defendant, and

for

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for want thereof, against his body. And when any person, authorized as aforesaid to sign writs, shall issue a replevin, which he is hereby empowered to do, (except to replevy the debtor's goods or chattels taken in execution, or for the payment of fines or rates) he shall take sufficient security from the person praying a replevin, to the adverse party, to prosecute such writ to effect, or in default thereof to re-deliver the estate replevied into the custody of the person from whom it shall be taken, and answer all damages occasioned by issuing such writ.

And be it further enacted by the authority aforesaid, That where both plaintiff and defendant are inhabitants of this State, the action or suit shall be brought in the county where one of the parties reside, otherwise the writ shall abate, and the defendant shall recover double costs. And where either party is not an inhabitant of this State, the action or suit shall be brought in the county where the other party resides.

Where suit is to be brought.

Provided always, That when title of land shall be in dispute, and in actions for trespasses committed upon freeholds, the trial shall be in the county where the land lies.

Provide.

And be it further enacted by the authority aforesaid, That when it shall appear to the satisfaction of the Court, that the party against whom suit is brought is absent from the State at the time of commencing such suit, and shall not return or come within the same before the time for trial, the Court where such suit is brought, shall continue the action to the next Court, (unless the plaintiff shall make it appear to the satisfaction of the Court, that the defendant had notice of the service of such process a sufficient time before the return thereof, to have appeared at said Court and had a trial) and if the defendant do not then appear in person, or by attorney, and be so remote that the notice of such suit could not probably be conveyed to him during the vacation, the Court may further continue the action to the next Court, and no longer. And in such case, where judgment shall be entered up by default, (except where such notice as aforesaid shall be proved) execution or writ of seizin shall not issue until the plaintiff shall have given bond, with one or more sufficient sureties, in double the value of the estate or sum of money recovered by such judgment, to make restitution, refund and pay back such sum as shall be given in debt or damages, or so much as shall be recovered by writ of review, which may be brought within one year next after entering up of the first judgment, if upon such suit the judgment shall be annulled, reversed, or altered; and plaintiff in review may take the benefit of all pleas and advantages that he might have done in the original suit. And the security aforesaid shall be no further answerable than for the recovery which shall be made upon such suit to be commenced within one year, as aforesaid.

Proceedings where defendant is absent at the time of service & does not return, &c.

And be it further enacted by the authority aforesaid, That all writs, processes, declarations, indictments, pleas, answers and entries, in the several Courts of Justice within this State, be in the English language, except technical terms.

Law prescribed to be in English

And

Writs not to be
abated for want
of form.

Discontinuance
or non-suit.

Defendant not
appearing, &c.

Courts to make
rules.

Clerks.

Special verdicts.

Appeal.

Review.

Security to pro-
secute.

And that no summons, process, writ, judgment, or other proceedings in Courts or course of justice, shall be abated, arrested or reversed, for any kind of clerical errors or mistakes, where the person and case may be rightly understood by the Court, nor through defect or want of form only. And the Judges, on motion made, may order amendment thereof. And if any person shall cause process to be served on another, for any matter or cause, and discontinue his suit, or be non-suit therein, the Court where such process is returnable, shall give judgment for the defendant to recover reasonable costs.

And in case the defendant in any suit, being duly served with process, and return thereof being made into the Court where the same is returnable, do not appear in person or by attorney, his default shall be recorded, and judgment be entered up against him thereon, unless on or before the third day, inclusive, after the first day of the sitting of the Court, he shall come into Court and move for a trial; in which case he shall be admitted thereto, upon paying down to the adverse party, the cost he has been at: and the plaintiff shall pay for entering the action a new.

And be it further enacted by the authority aforesaid, That the Judges of the Supreme and several County Courts respectively, within the State, be, and hereby are empowered, to make necessary rules for the orderly practice in such Courts; so that said rules be not repugnant to the laws of this State: and also, from time to time, to appoint a Clerk to officiate in their respective Courts, and to do all things proper to that office; who shall be under oath well and truly to execute and discharge the same.

And be it further enacted by the authority aforesaid, That the Judges of the Supreme and County Courts shall determine matters of law, stated and referred to them by the Jury in their special verdicts; which verdicts the Jury, in all cases wherein they doubt of the law, shall have liberty to give therein, finding and presenting the facts, and thereon stating and putting the question in law, viz. *If the law be so, then we find that the defendant is guilty of the matter alleged against him in the plaintiff's declaration, (or, did assume upon himself and promise, in manner and form as the plaintiff in his declaration hath alleged, &c. as the issue may be) and therefore find for the plaintiff damages, and his costs: but if the law be otherwise, we find for the defendant his costs.*

And be it further enacted by the authority aforesaid, That it shall be in the liberty of either party to appeal from the judgment given in any County Court, unto the next stated or adjourned Supreme Court of Judicature, to be holden within and for the same county; or once, and no more, to review his cause at the next stated or adjourned session of the County Court: and it shall be in the liberty of either party to review his cause at the next stated or adjourned session of the Supreme Court, in the same county. And the party claiming an appeal or review in either of the cases before mentioned, before his appeal or review be allowed, (which shall not be after the session of the Court wherein the judgment was rendered) shall give sufficient security, by way of recognizance,

Civil Actions.

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zance, to the adverse party, to prosecute the same to effect, and answer and pay all intervening damages occasioned to the appellee or reviewee, by his being delayed, with additional costs, in case the judgment be affirmed: and execution shall be stayed and suspended until after the trial had upon the appeal or review. And the party appealing shall produce and give in to the Court where said appeal is to be tried, attested copies of the writ, judgment, and all the evidences filed in the Court from whence such appeal was granted.

Appellant to produce copies to the court.

Provided, That no appeal or review shall be allowed in either of the Courts before mentioned, where the judgment went upon default.

Provide.

Provided also, That where judgment shall be given in any suit twice for the same party, no appeal or review shall afterwards be allowed.

Provide.

Provided also, That no appeal be allowed from the County to the Supreme Court, in any action brought on bond, bill, note, or liquidated accounts, unless by special permission of the Judges of the County Court, upon consideration of the equity of the appellant's cause.

Provide.

And to prevent appeals from the judgment of any of the Courts before-mentioned, with a view of delaying justice;

Preamble.

It is further enacted by the authority aforesaid, That whenever any person who shall appeal from the judgment of any County Court, as before-mentioned, shall fail to bring forward and prosecute his appeal to effect, in manner as above is provided, it shall be lawful in such cases for the appellee to enter his complaint in the Court to which said appeal did lie, and producing attested copies of the judgment and evidence necessary for that purpose to the said Court, the said Court shall award to the appellee the debt or damages, and costs recovered by the first judgment, and the interest thereof at the rate of twelve per centum per annum, together with additional costs.

If appellant does not prosecute

court to award debt, cost, & 12 percent. interest.

And be it further enacted by the authority aforesaid, That in cases proper for issuing an audita querela, the same shall be allowed if judgment was rendered in the Supreme Court, and signed by a Judge of the same; but if the judgment was had in the County Court, the said writ shall be signed and allowed by two Judges of the Court last mentioned; and sufficient security shall be taken by the Judge or Judges allowing the writ, for the re-delivery of the body or estate, (as the case may be) to the custody of the officer having the same in possession, if the same shall be awarded, or in default thereof, the payment of the debt or damages, and cost.

By whom audita querela to be allowed.

Bond to be taken

And be it further enacted by the authority aforesaid, That any Judge of the Supreme Court may allow and sign writs of certiorari, in cases proper for the issuing such writ, taking bond for costs of prosecution in the form directed by law in case of appeals.

By whom certiorari to be signed

Passed March 3,
1787.

An act adopting the Common and Statute Law of England.

Preamble.

WHEREAS it is impossible, at once, to provide particular statutes applicable to all cases wherein law may be necessary for the happy government of this people. And whereas the inhabitants of this State have been habituated to conform their manners to the English laws, and hold their real estates by English tenures.

The common
law of England
adopted.

BE it enacted by the General Assembly of the State of Vermont, That so much of the common law of England as is not repugnant to the Constitution, or to any act of the Legislature of this State be, and is hereby adopted, and shall be, and continue to be, law within this State.

Preamble.

And whereas the statute law of England is so connected and interwoven with the common law, that our jurisprudence would be incomplete without it :

Therefore,

The statutes of
England adopted
in part.

Be it further enacted by the authority aforesaid, That such statute laws, and parts of laws, of the Kingdom of England and Great-Britain, as were passed before the first day of October, Anno Domini one thousand seven hundred and sixty, for the explanation of the common law, and which are not repugnant to the Constitution, or some act of the Legislature, and are applicable to the circumstances of the State, are hereby adopted, and made, and shall be, and continue to be, law within this State : and all Courts are to take notice thereof, and govern themselves accordingly..



Passed Feb. 27,
1787.

An act for enabling Communities to sue for and defend their rights, estates, and interests..

Communities
may sue and de-
fend.

IT is hereby enacted by the General Assembly of the State of Vermont, That it shall be lawful for all and every town, district, society, trustees for schools, proprietors of common or undivided lands, grants, and other estates and interests, and all other lawful societies or communities whatsoever, to sue, commence and prosecute, any suits or actions for the maintaining or recovering of their grants, interests or estates, in any Court proper to try the same, and to appear, either by themselves, agents, or attorneys : and in like manner to defend in all such suits and actions as shall be brought or commenced against them.

Manner of serv-
ing the writ.

And when any such town, district, society, trustees, proprietors, or other community as aforesaid, shall be sued, it shall be sufficient notice for them to appear and answer, to leave a true copy of the writ or summons in such suit, with their Clerk, or other principal member, inhabitant, or proprietor, thirty days before the sitting of the Court where the cause is to be heard.

And

And when judgment shall be rendered against any such town, district, society, or other community, execution shall issue accordingly, and may be levied on the persons or estates of the Selectmen of such town or district, or of the trustees for schools, and also of the Clerk, or other principal officer or member of such society or community, which shall be liable to be taken thereby; which execution shall not be granted until sixty days after the judgment shall be recovered: and the person or persons so made liable to be taken in execution, are hereby empowered and directed immediately to warn a meeting of the inhabitants of such town, district, society or districts for schools, or other community, who are to raise or levy a tax on said town, society, district or other community, sufficient to satisfy such judgment, and cost; which shall be collected by the Constable or Constables of the town, or district, or such other Collector as shall for that purpose be appointed, and paid to the Treasurer of such town, district, society or other community, or to the said Trustees: And the person or persons, so made liable as aforesaid, are empowered to draw a sufficient sum out of said treasury, to satisfy the judgment therewith: and in case the inhabitants or members of such community, so warned, shall neglect to raise the money, such persons so made liable as aforesaid, are hereby empowered to assess said inhabitants or members of said community, and their estates, in a sum sufficient to pay said debt and costs, with all other incidental charges; which shall be collected and paid as aforesaid.

On whom executions to be levied.

Not to be issued under 60 days.

Tax to be levied to satisfy the judgment.

Inhabitants neglecting who to do it.

And the said persons so made liable and levying said tax, are hereby made accountable to their constituents or successors in office, when thereunto by them requested, under the penalty of fifty pounds for each omission, to be recovered by any person or persons who will prosecute for the same to effect; one half of said penalty to be to and for the use of the person prosecuting to effect, and the other half to and for the use of the community so injured.

Accountable for the avails.

An act establishing the Constitution of VERMONT, and for determining who are entitled to the Privileges of the Constitution and Laws.

Passed March 21, 1787.

BE it enacted by the General Assembly of the State of Vermont, That the Constitution of this State, as revised and established by Convention held at Manchester in June one thousand seven hundred and eighty-six, subject to such alterations and additions as shall be made agreeably to the XLth Section in the Plan of Government, shall be forever considered, held and maintained, as part of the laws of this State.

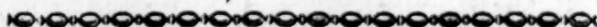
I. The Constitution declared to be law.

And be it further enacted by the authority aforesaid, That all the subjects of the United States of America, shall, within this Commonwealth, be equally entitled to the privileges of law and justice with the citizens of this State, in all causes proper for the cognizance of the civil authority and Courts of Judicature.

II. The subjects of the United States to have the benefit of law.

Constables Office and Duty.

ture in the same, and that without partiality and delay : and that no man's person shall be restrained or imprisoned unless by authority of law.



(Passed Feb. 27,
1787.

An act directing Constables in their office and duty.

I.
Constables to be
chosen, sworn,
&c.

BE it enabled by the General Assembly of the State of Vermont, That one or two Constables shall be chosen annually, by each town in this State ; who shall be sworn by some Justice of the Peace, or the Town-Clerk of such town, according to law. And it shall be the duty of the first Constable chosen annually in each town, to levy and collect their State taxes, and make up their accounts thereof with the Treasurer.

To transport per-
sons from town
to town.

And every inhabitant of this Commonwealth tendered to any Constable of any town in this State, by a Constable or other officer belonging to any of the neighbouring States, with a warrant from their authority, shall presently be received, and forthwith conveyed from Constable to Constable, by the respective Constables in this State, until such person shall be brought unto the place to which he or she is sent ; or if for the commission of any crime, before some Justice of the Peace in this State, who shall dispose of such person as the nature of the case may require.

To pursue hue-
and-cries.

And every Constable shall duly receive all hue-and-cries, and the same diligently pursue to full effect ; such as are granted and sent out after capital or criminal offenders, at the cost and charge of this State ; but such as are taken out by particular persons, in their own cases, at the cost and charge of those who take them out.

Constable may
put forth hue-
and-cries, of or
murderers, &c.

That every Constable in this State is hereby authorized and fully empowered, to put forth pursuits, or hue-and-cries, after murderers, peace breakers, thieves, robbers, burglars, and any other capital offenders, where no Justice of the Peace is near at hand : as also, without warrant, to apprehend such as are overtaken with drink, guilty of profane swearing, sabbath breaking : also vagrant persons, and unreasonable night-walkers :—(provided they are taken and apprehended in the fact, either in the sight of the Constable, or immediate information of some others) and them keep in safe custody, until opportunity serves to bring them before the next Justice of the Peace for further examination, in order to their being proceeded against according to law.

and without war-
rant to apprehend
Sabbath breakers
&c.

That each and every Constable shall have power and authority to serve and execute such lawful precepts, writs, and warrants, as are directed to him by proper authority, within the town only where he belongs ; and shall have the power of water-bailiffs in their respective towns, when and where there shall be occasion for the same.

To serve writs,
&c.

Provided nevertheless, That when any Constable is employed or commanded by any Justice of the Peace, to apprehend or arrest any person or persons, he shall not do it without a warrant in writing.

And

Deeds and Conveyances.

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And be it further enabled by the authority aforesaid, That all Constables shall make due presentment of all breaches of law coming to their knowledge, to some authority proper to receive the same, once in every month. And if any Constable shall neglect to make such presentment, and be thereof legally convicted, he shall pay a fine of five shillings to the treasury of the town where he belongs.

II.
Constables to
make present-
ments monthly

And the better to enable, and more effectually to oblige, the respective Constables to execute their office,

Preamble.

Be it further enabled by the authority aforesaid, That if any person shall refuse at any time to assist the Constable in the execution of his office, being by him duly thereunto required, he shall forfeit a sum not exceeding two pounds; and if any person shall wilfully, obstinately, or contemptuously, refuse to assist such Constable, as is before expressed, he shall forfeit and pay a fine not exceeding five pounds: both of which fines shall be to the use of the town where the offence is committed: the said offence to be heard and tried by a Justice of the Peace.

III.
Penalty for refus-
ing to assist the
constable.

And in case any town, by the death or removal of the Constable thereof, shall become wholly destitute of such officers, the Selectmen of such town shall forthwith warn a meeting of the inhabitants of such town, who shall assemble and proceed to the choice of a Constable, or Constables, to supply the vacancy so made; which officers shall be sworn according to law.

Office vacant,
how to be filled

An act for authenticating and registering Deeds and Conveyances.

Passed March 3,
1787.

FOR preventing fraudulent sales and incumbrances of real estates, and to the intent it may be better known what title or interest persons have in or to such estates as they shall offer to sale:

Preamble.

B*E it enabled by the General Assembly of the State of Vermont, That all Deeds or Conveyances of any houses or lands within this State, signed, sealed, and delivered, by the parties granting the same, having good and lawful authority, attested by two or more witnesses, and acknowledged by such grantor or grantors, before a Justice of the Peace, and recorded at length in the Town Clerk's records where such houses or lands do lie, shall be valid to pass the same, without any other act or ceremony in the law, whatsoever: want of livery of seisin, or attornment of the possessors, notwithstanding.*

I.
Deeds to be ac-
knowledge and
recorded.

And that no bargain, sale, mortgage, or other conveyances of houses or lands, made and executed within this State, or attachment served thereon, shall be valid in law to hold such houses or lands against any other person or persons but the grantor or grantors, and defendant, and their heirs only, un-

No bargain, or
sale, &c. to be
valid in law,
unless, &c.

Deeds and Conveyances.

less the deed or conveyance thereof be acknowledged and recorded in manner as is before expressed; or unless minutes be made of such mortgages in the town records; which minutes shall respectively contain the description and boundaries of the land mortgaged, the names of the mortgagers and mortgagees, the dates of the mortgages, the mortgage-money, the times when payable and when registered; or unless an attested copy of such attachments, and the officers return thereof, be filed in the said Town Clerk's office.

Provided.

Provided nevertheless, That when and so often as it shall happen, that any grantor shall live out of this State, or be dead, before any deed, conveyance, or mortgage, by him or her so made, be acknowledged as aforesaid, (and also where the proof of any deed, similarly circumstanced, shall have been heretofore so taken) the proof of the execution of such deed or mortgage, by the oath of at least one of the witnesses, before a Councillor, or Judge of the Supreme or County Court, shall be esteemed in law equivalent to the party's own acknowledgment thereof.

Provided.

Provided also, That when the grantor, and all the witnesses to any such deed or mortgage, shall, before the same be duly acknowledged as aforesaid, die, or remove out of the State, the proof of such deed or mortgage may be made before either the Supreme or County Court, in the county where the grantee lives, or the lands do lie, (in open Court) by proving the hand writing of the grantor, or witnesses, or adducing other evidence to the satisfaction of such Court, which Court may order such deed or mortgage to be entered upon record, with such proof, and the same shall be esteemed in law equivalent to the party's acknowledgment thereof.

II.

In what manner acknowledgment is to be taken out of the State.

And be it further enacted by the authority aforesaid, That when there shall be a necessity of taking the acknowledgment or proof of the execution of a deed, out of this State, the same shall be taken and certified by such officer as is, or shall be, authorized to take the acknowledgment of deeds in the State, Kingdom or Province, where the same shall be taken; and such acknowledgment or proof so taken, and certified, shall be as good and valid as if the same was taken by the proper officer within this State.

III.

Mortgagee, after payment, to discharge the record

Be it further enacted by the authority aforesaid, That any mortgagee of lands or tenements, his or her heirs, executors, administrators, or assigns, having received full satisfaction of such mortgage-money, shall, at the request and cost of the mortgager, his heirs, executors, or administrators; acknowledge payment thereof, and cause such acknowledgment to be entered in the margin of the record of the minute of such mortgage, and sign the same; which shall thereafter forever discharge such record, and perpetually bar all actions to be brought thereupon in any Court of record.

Penalty for neglect.

And if such mortgagee, his or her heirs, executors, or administrators, shall not within ten days next after request in that behalf made, and tender of his, her, or their reasonable charges, repair to the records, and there make and sign such acknowledgment as aforesaid, or otherwise sign, seal, and deliver, a discharge

Deeds and Conveyances.

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a discharge of the said mortgage, and release and quit claim his, her, or their right to the estate therein mentioned to be granted, and acknowledge the same before a proper magistrate, he, she, or they, so refusing, shall be liable to make good all damages sustained for want of such discharge and release; to be recovered in any Court proper to try the same, together with treble costs of suit.

Be it further enacted by the authority aforesaid, That the Town Clerks, in the several towns in this State, shall fairly enter, and record at length, in their records, all deeds and conveyances of lands, tenements, and hereditaments, and also all minutes of mortgages upon lands lying and being within the town where such Clerk's records are kept, made, executed, and acknowledged in manner aforesaid, which shall be brought to him to record; and file all copies of attachments as before mentioned; and shall, on receipt thereof in his office, note thereon the time when he received the same, and shall date the record and filing thereof accordingly.

IV.
Town Clerks to
record deeds, &c.

Provided, That in towns where there is or shall be no Town Clerk elected, such grants of, or incumbrances upon, land, shall be recorded in the County Clerk's office of the county where the land lies, in a book to be by him kept for the purpose: any thing in this act, to the contrary, notwithstanding.

Provided.

And be it further enacted by the authority aforesaid, That if any Town or County Clerk within this State, shall neglect to perform his duty, according to this act, and be thereof convicted, he shall forfeit, for each omission, the sum of five pounds, to the treasury of the county where such neglect shall happen, and pay all damages to any person or persons injured by such neglect.

V.
Penalty for neg-
lect.

Be it further enacted by the authority aforesaid, That if any person or persons having signed, sealed, and delivered, a deed or mortgage of land, shall refuse to acknowledge the same; in such case, the person or persons to whom such deed or mortgage was made, may make application to a Justice of the Peace, (who is hereby authorized to hear and determine the same) for a warrant to bring such person or persons immediately before him, and show cause, (if any there be) why he refuses to acknowledge the said deed or mortgage: and if it doth not appear to the said Justice that the said grantor has just grounds to refuse acknowledging the same, and he or they still continue to refuse, the said Justice may commit the said grantor or grantors to goal, there to remain until he or they do acknowledge the said deed or mortgage, and pay the costs of such complaint and commitment.

VI.
Persons refusing
to acknowledge
their deeds, how
to be tried.

Provided always, That the party grieved have liberty to appeal from the judgment of said Justice of the Peace unto the County Court in said county; and every party to such deed shall be debarred from making any legal conveyance of said premises in the mean time, or until the matter be determined by said County Court.

Provided.

And when ever any person or persons who have sold, or shall hereafter sell, any lands within this State, shall be demanded by any person or persons in whom

When to get
deeds recorded.

Penalty.

VII.
Made of a feme
covert's acknow-
ledging a deed.

whom the fee of such land is, to procure his deed or title to be recorded in the office proper for recording such deed, if such record shall not have been there-
tore made, he, she or they, refusing or neglecting the same for the space of
six months after such demand, shall be liable to be proceeded against in like
manner as is herein before provided in case of persons refusing to acknowledge
their deeds; and shall besides be liable to pay all damages occasioned by such
deeds not being properly recorded.

Be it further enacted by the authority aforesaid, That no real estate whereof
any feme covert is or shall be seized, shall henceforth pass by the deed of her-
self and her baron, without a previous acknowledgment made by her apart from
her husband, before a Councillor, a Judge of the Supreme Court, or of the
County Court where such married woman shall live, or the land so to be con-
veyed does or shall lie, that she executed such deed freely, without any fear or
compulsion of her husband. A certificate of which acknowledgment, taken in
manner aforesaid, shall be endorsed on the deed by the magistrate taking the
same, and recorded with the deed, by the proper officer for recording deeds.
And every alienation of such estates not acknowledged and recorded, together
with the certificate of such acknowledgment as aforesaid, is hereby declared to
be *ipso facto* void.

Passed Feb. 27,
1787.

I.
Contracts for
continental cur-
rency, their value

Scale of deprecia-
tion.

An act ascertaining the value of contracts made for Continental Bills of Credit.
BE it enacted by the General Assembly of the State of Vermont, that all con-
tracts made on or before the first day of September, one thousand seven
hundred and seventy-seven, for lawful money, or bills of credit, shall be deem-
ed equal to the same nominal sum of gold or silver; and that all contracts
made in this State, between the first day of September, one thousand seven
hundred and seventy-seven, and the first day of September, one thousand seven
hundred and eighty, understood, or expressed, to be for the common currency
of the United States, or continental currency, shall be rated at Spanish milled
dollars, or other coins of currency equivalent, agreeably to the following table
in continental bills of credit, at the several times therein expressed.

Sept. 1st, 1777,	100	October 1st,	325	November 1st,	1600
October 1st,	110	November 1st,	360	December 1st,	1800
November 1st,	120	December 1st,	400	Jan. 1st, 1780,	2000
December 1st.	130	January 1st, 1779,	450	February 1st,	2400
January 1st, 1778,	140	February 1st,	500	March 1st,	2800
February 1st,	155	March 1st,	550	April 1st,	3200
March 1st,	170	April 1st,	600	May 1st,	3600
April 1st,	185	May 1st,	800	June 1st,	4000
May 1st,	200	June 1st,	1000	July 1st,	5000
June 1st,	220	July 1st,	1100	August 1st,	6000
July 1st,	240	August 1st,	1200	September 1st,	7200
August 1st,	260	September 1st,	1300		
Sept. 1st,	295	Oct. 1st,	1450		

And

Fulfilment of Contracts.

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And be it further enacted by the authority aforesaid, That all contracts understood, or expressed, to be for the common currency of the United States, or continental currency, made in either of the United States, and brought into this State for payment, shall be settled and paid according to the scale of depreciation where such contract was made : of which the several Courts of law are to take notice and govern themselves accordingly.

II.
Contracts how
liquidated.

Passed March 9th
1787.

An act to compel the fulfilment of Contracts according to the intent of the parties.

WHEREAS many contracts have been, and probably will be, made in this State, for the payment of different kinds of produce, wares and manufactures, at times therein limited. And whereas it has frequently happened, that after the expiration of the times prefixed in such contracts for the payment thereof, creditors have refused to accept of any thing but silver and gold in discharge of the same.

Preamble.

To remedy which in future,

*IT is hereby enacted by the General Assembly of the State of Vermont, That whenever any judgment shall hereafter be rendered in this State, upon a contract made since the first day of July, 1782, or to be made, for paying the produce of this country, wares or manufactures, at a time and place therein limited, or on demand, the same articles agreed upon in the contract only, shall be a tender upon the execution to the officer having the same, at the place at which by the contract the payment was or is to be made (if within this State); and the officer shall be obliged to receive, and cause the same to be appraised, agreeably to an act passed by the Legislature of this State, in their present session, entitled, *An act to make certain articles of personal property a tender on execution, in cases therein mentioned.* And from and immediately after such appraisal, the goods appraised shall be the property, and be at the risk of the creditor.*

I.
The articles specified in a contract to be a tender on execution.

And be it further enacted by the authority aforesaid, That the respective Justices and Clerks of Courts before whom such judgment shall be rendered, shall certify under their oath of office, on the back of the execution, the place, and kind of produce, wares or manufactures in which such contracts ought to be paid, agreeably to this act.

II.
Where articles are to be tendered.

And be it further enacted by the authority aforesaid, That when the contract upon which the judgment shall be so rendered, shall be payable at any place without limits of this State, the same shall be, and hereby is declared to be, payable to an officer, on execution, and shall be appraised within the town in which the defendant lives, (if an inhabitant of this State) if not, in the town in which such property shall be taken in execution.

III.
When the place limited is out of the State, in the town where, &c.

Counterfeiting Bills of Credit, &c.

Passed March 3, 1787. An act against counterfeiting and passing Bills of public Credit, Coins and Notes ; and to prevent injustice in passing the same.

I.
Penalty for counterfeiting public securities,

and for altering and passing them,

or aiding therein.

BE it enacted by the General Assembly of the State of Vermont, That whosoever shall presume to forge, counterfeit or alter, any of the Bills of Credit, or Notes, of this, or either, or all of the other American States, that now are or hereafter shall be, by law emitted and established current, or issued either in this or any of the aforesaid States, or any Note or Notes issued, or to be issued, from the loan office of this State, or from the loan office of the United States of North-America, or from the loan offices of either of the said States, or any Note or Notes issued by the President, Directors and Company of the bank of North-America, or any other person or persons authorized by the Congress of the United States, or the Legislature of this or either of the thirteen States of America, to issue Notes ; or that shall alter, or put off, any such forged, counterfeited or altered Bills or Notes, knowing them to be such ; or that shall counsel, advise, procure, or any ways assist, in the forging, counterfeiting, imprinting, stamping, altering, signing or passing, any false, forged and counterfeited Bill or Bills, Note or Notes, knowing them to be such ; or shall engrave any plate, or make any other instrument to be used for that purpose ; every person or persons so offending, being convicted thereof before the Supreme Court of this State, shall be punished by having his right ear cut off, and shall be branded with the capital letter C on a hot iron, and be committed to any goal or house of correction, there to be confined and kept to work under the care of a master, and not to depart therefrom without special leave from the Assembly of this State, until the day of his, her or their death ; under the penalty of being severely whipped by order of any Court or Justice, and thereupon to be returned to his former confinement and labour : and all the estate of any person offending as aforesaid, shall be forfeited to this State, and may be accordingly seized for that purpose, by order of the Court before whom such offender is convicted.

And that such offenders may more effectually be discovered and prosecuted,

II.
Reward for informing.

Be it further enacted by the authority aforesaid, That whosoever shall make discovery, and give information of such vile and wicked practices of making or altering any such Bills or Notes, or of making any of the instruments aforesaid, or of aiding therein, so that the person or persons guilty thereof be tendered to justice and convicted ; every such informer shall have and receive as a reward therefor, the sum of ten pounds from the treasury of this State.

And the more effectually to prevent the passing such counterfeit, forged, or altered Bills or Notes, and injustice arising thereby,

Be it further enacted by the authority aforesaid, That when and so often as it shall happen that any such false, forged, altered, or counterfeit Bills or Notes, shall

Counterfeiting Bills of Credit, &c.

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shall be brought to the Treasurer of this State, or offered to him in payment of rates, or to be exchanged, he shall secure them; and he is hereby authorized to seize and retain them, entering on the back thereof, the name of the person in whose possession they were, and then deliver the same into the hands of some authority to be enquired into.

Treasurer to seize counterfeit bills, &c.

And every Justice of the Peace is hereby also authorized and empowered to seize, and take into custody, every such false or altered Bill or Note, which he shall see, observe or have knowledge of, and the same to retain, entering the name of the person from whom he took the same; and at his discretion, to cause the person from whom he took such Bill or Note, or the person from whom the Treasurer took such Bill or Note, to come before him to be examined in the premises, and to administer an oath to such person or persons, to declare of whom he or they received it, and proceed in his enquiries in manner aforesaid, after the author of the mischief, as far as such authority's discretion will guide him.

Also Justices.

Be it further enabled by the authority aforesaid, That whensoever any person shall be the possessor of any such false, altered, or counterfeit Bill or Note, he shall (on his discovering it to be such) deliver the same to some Justice of the Peace, and inform him that he concludes the same to be false and counterfeit; and if such Justice of the Peace shall suppose the same to be false as aforesaid, he shall take the same, and minute on the back of such Bill or Note, the name of the person of whom he received it, and that it was delivered to him as a counterfeit or altered Bill or Note; and such person that so delivers up such Bill or Note, or from whom the same shall be taken in either of the methods aforesaid, may, after such delivery or taking, demand of the person from whom he received the same, pay therefor, informing him where such Bill or Note is lodged. And if the person of whom he or she received such Bill or Note, shall refuse or neglect to make him or her satisfaction therefor, he or she may bring his or her action for so much money received to his or her use, before any Court or Justice of the Peace proper to try the same; and in the trial of any such case, if the Bill or Note be found to be false, forged, altered, or counterfeit, to the satisfaction of the Court that tries the same, the said Court shall proceed at their discretion, to enquire into the equity of the cause, by examining the parties under oath, and taking any other evidence which they shall judge just and right; and upon finding to the satisfaction of the Court that such plaintiff received the same Bill or Note of the defendant for a true Bill or Note, they shall give judgment for the plaintiff for his just damages and cost.

IV.
Suspected bills to be lodged with authority.

Persons refusing to pay for counterfeit bills, may be sued.

Provided always, Such Bill or Note be delivered up, or taken as aforesaid, before the plainiff offered the same back to the person of whom he received it.

Provide.

Provided also, That no person be prosecuted in form as aforesaid, but within two years after he puts off such Bill or Note; which fact may be enquired into in form as aforesaid.

Provide.

Counterfeiting Bills of Credit, &c.

V.
Persons having
satisfied the pos-
sessor, may pro-
secute.

Be it further enacted by the authority aforesaid, That every person who hath at any time had any such Bill or Note which shall be taken from the possessor, or shall by the possessor be delivered up as aforesaid, and hath satisfied the person to whom he put off said Bill or Note for the same, shall have the like liberty of prosecuting and taking remedy as aforesaid, against the person of whom he received the same.

Courts to destroy
such bills.

And that every Justice who shall have such Bill or Note in hand, shall, at the cost of the party, safely convey the same to any Court where the same may be wanted in the trial of the case. And that after any Court or Justice hath had the possession of such false or counterfeit Bill or Note the space of two years, he or they shall destroy or deface the same.

VI.
The same me-
thod to be pur-
sued respecting
counterfeit coins.

And be it further enacted by the authority aforesaid, That the Treasurer, and civil authority be, and they are hereby authorized and directed, to take the same method to discover, detect and secure all false and counterfeit coins, made in imitation of any gold, silver or copper coins which are or may be current in this State, and to detect the authors of the fraud, as is in this act before provided and directed in case of false and counterfeit Bills or Notes of public credit. And any person who hath sustained, or may sustain, damage by receiving any false or counterfeit Coin, shall have like remedy for recovery of such damages as is by this act given in case of damages sustained by receiving false or counterfeit Bills of public credit and Notes.

VII.
Forfeiture for
emitting bills,
&c. on private
credit.

Be it further enacted by the authority aforesaid, That if any person, society, number of persons, or company, within this State, without special authority from the Legislature, shall presume to strike, emit, or put out, any bills of credit, or notes, on any fund or credit of any person or persons, society, or company, to be used and improved as a general currency or medium of trade, as and in lieu of money, (other than promissory negotiable notes) such person or persons, society or company, on conviction thereof, shall forfeit treble the nominal value of the bills or notes so emitted or put out; one third part to him or them who sue for and prosecute for the same to effect, and the other two third parts to the treasury of the county where such conviction shall be had.

Forfeiture for
passing.

And that if any person or persons shall in this State utter, vend, or pass, any bills or notes, or any other currencies whatever, which either have been, or hereafter shall be, struck, emitted, or put out, to be used as aforesaid, on the fund or credit of any private person or persons, society or company whatever, either in this or any of the neighbouring States, he or they so offending, shall forfeit double the sum or value expressed in such bill, note, or other currency; the one half thereof to him or them that shall prosecute the same to effect, and the other half to the town treasury, when the trial shall be before a Justice of the Peace, and to the county treasury when it shall be before the County Court.

Presentments to
be made.

And all Grand-Jurors and Constables are required to make presentment of all breaches of this act.

Division of Counties.

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An act for the division of counties in this State.

Passed Feb. 23,
1787.

BE it enacted by the General Assembly of the State of Vermont, That the tract of land within the limits herein after described, shall be and remain one entire county, and be known by the name of *The county of Bennington*, viz. Beginning at the southwest corner of the town of Pownal; thence running northerly in the west lines of the towns of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, and Reupert; thence running easterly along the north lines of the towns of Reupert, Dorset, Brumley, and Landgrove, to the northeast corner thereof; thence along the easterly lines of the towns of Landgrove, Winhall, and the westerly lines of Stratton, Somerset, Wilmington, and Whitingham, to the north line of the Commonwealth of Massachusetts; and thence along the north line of Massachusetts to the southwest corner of Pownal aforesaid.

I.
Bounds of Bennington county

And be it further enacted by the authority aforesaid, That the tract of land included within the following limits, shall be and remain one entire county, and be known by the name of *The county of Windham*, viz. Beginning at the southeast corner of Bennington county, in the north line of the Commonwealth of Massachusetts; thence east in said line, to the east line of this State; thence northward along the east line of this State, to the northeast corner of Rockingham; thence along the northerly lines of Rockingham, Tomlinson, and Londonderry, to the northeast corner of Bennington county; and then along the east line of Bennington county to the place of beginning.

II.
Bounds of Windham county.

And be it further enacted by the authority aforesaid, That the tract of land included within the following limits, shall be and remain one entire county, and be known by the name of *The county of Windsor*, viz. Beginning at the northeasterly corner of Windham county; then along the east line of this State, to the northeast corner of Norwich; then westerly along the north lines of Norwich, Sharon, Royalton, Bethel, and Rochester, to the northwest corner thereof; then along the westerly lines of Rochester and Stockbridge, to the northwesterly corner of Killington; thence along the northerly line of Killington, to the northwest corner of Bridgwater; thence in the west lines of Bridgwater, Saltsb, Ludlow, and Andover, to the northwest corner of Windham county; and then along the north line of Windham county, to the place of beginning.

III.
Windsor county

And be it further enacted by the authority aforesaid, That the tract of land included within the following limits, shall be and remain one entire county, and be known by the name of *The county of Rutland*, viz. Beginning at the northwest corner of Bennington county; thence running easterly along the north line of Bennington county, until it meets the west line of Windsor county; from thence northerly along the west line of Windsor county, to the northeasterly corner of Pittsfield; then along the north lines of Pittsfield, Philadelphia, Brandon, Sudbury, and Orwell; and thence southerly, in the west line of this State, to the place of beginning.

IV.
Rutland county

L

And

V.
Orange county.

And be it further enabled by the authority aforesaid, That the tract of land included within the following limits, shall be and remain one entire county, for the time being, and be known by the name of The county of Orange; viz. Beginning at the northeast corner of Windsor county; then westerly, in the north line of Windsor county, to the southwest corner of Kingston; then on the westerly lines of Kingston, Roxbury, Northfield, and Berlin; then up Onion-River about a mile and an half to the southeasterly corner of Middlesex; then north, thirty-six degrees east, on the west lines of Montpelier, Calais, Woodbury, Hardwick, and Greensborough, to the northwesterly corner thereof; and then in the most direct course on town lines, to the north line of this State; then in the north line of this State, to the northeast corner thereof; and then southwardly, along the east line of this State, to the place of beginning.

VI.
Addison county.

And be it further enabled by the authority aforesaid, That the tract of land included within the following limits, shall be and remain, for the time being, one entire county, and be known by the name of The county of Addison, viz. Beginning at the northwest corner of Rutland county; from thence running along the west line of this State, to the forty-fifth degree of northern latitude; then east, along the said forty-fifth degree of latitude, until it meets the west line of Orange county; then southerly, along the west line of Orange county, to the northern line of Rutland county; and then westerly, on the north line of Rutland county, to the place of beginning.

Enacted March 3,
1787.

An act limitting the time of holding the County Offices therein mentioned.

The time of
holding county
offices.

BE it enacted by the General Assembly of the State of Vermont, That the Judges of the several County Courts, Judges of Probate, Sheriffs and Justices of the Peace, in the several counties, now in office, or hereafter to be appointed for the remainder of the ensuing year, continue in the exercise of their said offices until the first day of December next; and that the said several officers hereafter to be appointed by the Legislature in their October session, shall continue in the exercise of their offices for one year, to be computed from the first day of December next following their election.

Enacted March 3,
1787.

An act defining the powers of the Supreme and County Courts within this State.

I.
Number of coun-
ty Judges,

BE it enacted by the General Assembly of the State of Vermont, That from and after the first day of December next, the County Courts of the respective counties shall consist of one Chief Judge and two Side Judges, any two of whom shall be a quorum, and within their respective counties shall take cognizance

Supreme and County Courts.

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nizance of all criminal matters, of every name and nature, (except such cases as are cognizable only in the Supreme Court, or before a Justice of the Peace) and award such sentence as to law and justice appertains. And any person prosecuted for a criminal offence, and aggrieved at the judgment given in any County Court, may appeal from the sentence (the cause being originally heard and tried in the said Court) to the next stated or adjourned Supreme Court, to be holden in said county where the cause was tried, there to be finally determined; the appellant, during the sitting of said Court, recognizing to the Treasurer of the county where the offence is charged to have been committed, (if the prosecution be commenced on the complaint of a county or town informing officer, if otherwise, to the prosecutor,) with sufficient sureties, in a reasonable sum, for his personal appearance at the Court appealed to, prosecuting his appeal there to effect, abiding the order or sentence of the said Court thereon, and to be of good behaviour in the mean time. And the party appealing is to remain in the custody of an officer until he shall have given such security, which officer shall not be allowed more than one shilling an hour for the said service.

their authority in criminal causes.

An appeal allowed.

And be it further enacted by the authority aforesaid, That all actions and causes of action of a civil nature, (except such actions as are made cognizable solely before the Supreme Court or Justices of the Peace) shall be originally commenced and prosecuted to effect in a County Court. And if any suit made cognizable before a Justice of the Peace shall be brought before any County Court, the same shall abate.

II.
County court's authority in civil causes.

And the County Courts shall have power to appoint a Treasurer in their respective counties, who shall enter into a bond before the County Court by whom they are respectively appointed, at the discretion of such Court, for the faithful performance of their office; and such Treasurers (being sworn to the faithful discharge of their trust) shall have the same power in issuing warrants and extents for the collection of taxes within their respective counties, as is or shall by law be given to the State's Treasurer.

To appoint a treasurer.

His power.

Provided always, That when it shall so happen that any one or more of said Judges shall be disabled from attending, by sickness or otherwise, the presiding Judge shall have the power of calling to his assistance any one Councillor within the State.

Proviso.

And be it further enacted by the authority aforesaid, That there shall be, and hereby is constituted, a Supreme Court of Judicature within and for this State, to be held and kept annually at the respective times and places directed by law, by one Chief Judge and two Side Judges, to be chosen by ballot, by the Governor, Council, and General Assembly, annually, at their October session, and commissioned for that purpose; any two of whom shall be a quorum: but in case of the absence of the rest, one of the said Judges is hereby empowered to open and adjourn the Court; and if one or more of the said Judges shall be disabled from attending, by reason of sickness or otherwise, the presiding

III.
A supreme court constituted, &c.

Proviso when not a quorum.

Supreme and County Courts.

Their power.

Sitting Judge shall have the power of calling to his assistance any one Councilor within the State; which Court shall have cognizance of all pleas of the State, criminal actions and causes, and whatsoever relates to the conservation of the peace, and punishment of offenders, and also of civil causes or actions between party and party, and between this State and any of its subjects, whether the same be brought into said Court by original process, appeal, writ of error, or in any legal way whatsoever: and the said Court is hereby empowered to give judgment therein, and award execution thereupon, with costs. And it shall be in the power of the Chief Judge of the Supreme Court to call a special Court, when the exigencies of government shall require it.

IV.
Power of courts
in chancery.

And it is also further enacted by the authority aforesaid, That as well the Judges of the County Courts as the Judges of the Supreme Court of Judicature, respectively, where the forfeiture or penalty of any obligation, with a condition thereto, or penalty annexed to any articles, agreement, covenant, contract, charter party, or other specialty, or forfeiture of any estate granted upon condition executed, by deed of mortgage, or bargain and sale with defeazance, shall be found by verdict of Jury, or by default, or confession, of the obligor, mortgagor or vendor, are hereby empowered and authorized to moderate the rigor of the law; and on consideration of such cases, according to equity and good conscience, to chancery such forfeiture, and to enter up judgment for the just debt and damages, and to award execution accordingly: only in actions upon mortgages, or bargain and sale with defeazance, the judgment shall be conditioned as follows;—that if the mortgagor or vendor, his heirs, executors or administrators, shall tender such sum, with costs, as the Court shall determine to be justly due thereupon, to the Clerk of said Court, by a time to be limited by such Court, not exceeding one year from the rendering of such judgment, such Clerk shall receive it, and deliver a certificate of such receipt to the person making such tender or payment: which certificate being entered upon the margin of the record of the mortgage, or other instrument of bargain and sale, in the Town Clerk's office where such land lies, shall discharge and forever defeat such instrument. And when the plaintiff shall receive such sum of the Clerk, the said plaintiff shall subscribe a receipt for it on the records of the Court. But if the mortgagor or vendor shall not make such tender or payment as aforesaid, within the term aforesaid, the plaintiff shall be put in possession of the land sued for, by a writ for that purpose to be issued by the Clerk of the Court wherein such judgment was obtained, and shall hold the same to him, his heirs and assigns, discharged from all right of redemption.

When court to
chancery damages.

And where judgment shall be rendered by default, or on demurrer, in any suit in any Court in this State, such Court shall have full power to ascertain the sum due, and give judgment accordingly.

V.
Times & places
of supreme court
sitting.

And be it further enacted by the authority aforesaid, That the times and places for the annual sitting of the Supreme Court, in the several counties, be as follows, viz. At Addison and Colchester, in the county of Addison, alternately,

on

Sudden Deaths.

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on the second Tuesday of August. At Rutland, in the county of Rutland, on the third Tuesday of August. At Bennington, and at Manchester, in the county of Bennington, alternately, on the fourth Tuesday of August. At Westminster, in the county of Windham, on the first Tuesday next following the fourth Tuesday of August next, and thereafter at New-Fane, in said county of Windham, on the first Tuesday next following the fourth Tuesday in August, if the inhabitants of said New-Fane shall, before that time, build a Court-house, according to the condition of a bond, executed by Luke Knoulton, Esq. and others, to the Treasurer of Windham county. At Windsor, in the county of Windsor, on the second Tuesday next following the fourth Tuesday of August, until the inhabitants of the town of Woodstock, in said county, shall have built a Court-house in Woodstock, to the approbation of the Judges of the County Court of Windsor county, and thereafter at said Woodstock, on the said second Tuesday next following the fourth Tuesday in August. At Newbury, in the county of Orange, on the third Tuesday next following the fourth Tuesday in August.

And be it further enacted by the authority aforesaid, That the times and places for holding County Courts, in the several counties, be as follows, viz. In the county of Bennington, at Bennington the third Tuesday of September, and at Manchester the third Tuesday of April. In the county of Windham, at Westminster on the first Tuesday of June next, and at Marlborough on the second Tuesday of November next, and thereafter at New-Fane, in said county, at the times last mentioned, if the inhabitants of said New-Fane shall, before that time, build a Court-house, according to the condition of a bond, executed by Luke Knoulton, Esq. and others, to the Treasurer of Windham county. In the county of Windsor, at Windsor, on the last Tuesday of October, and on the last Tuesday of May—until the inhabitants of the town of Woodstock, in said county, shall have built a Court-house in said Woodstock, to the approbation of the Judges of the County Court of Windsor county, and thereafter at said Woodstock, at the times last mentioned. In the county of Rutland, at Rutland, on the third Tuesdays of March and November. In the county of Orange, at Newbury, on the second Tuesdays of June and December. And in the county of Addison, at Addison on the first Tuesday of March, and at Colchester on the second Tuesday of November.

VI.
Times & places
of county courts
sitting.

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An act concerning sudden and untimely Deaths.

Passed Feb. 27<sup>th</sup>  
1787.

**B**E it enacted by the General Assembly of the State of Vermont, That when, and so often as, any person shall come to any sudden, untimely, or unnatural Death, or be found dead in this State, the manner of whose death is not known, it shall be the duty of the next Justice of the Peace to issue his precept

Sudden deaths to  
be inquired into  
by a jury.

M

for



Penalty for non-  
appearance.

for summoning (or in the absence of such Justice, the Constable of the town shall forthwith, without precept, summon) a Jury of twelve able and discreet men, who shall be sworn by such officer, to inquire of the cause and manner of such person's death; which Jury shall present, upon oath, a true verdict thereof, under their hands, unto some Justice of the Peace in the same county, who shall return the same to the next Supreme Court held in the same county. And no person found dead in this State shall be buried, until such inquiry as above said has been made. And if any man, summoned to serve as a Juror to inquire as aforesaid, shall refuse or neglect to appear and attend that service, according to such summons, (unless he shall, within six days after such neglect, give a sufficient excuse to the satisfaction of the Justice taking cognizance of the offence) he shall forfeit the sum of ten shillings, and cost, for every such neglect, to the use of the treasury of the town whereto he belongs; to be levied by warrant from the said Justice. And that no fee or reward shall be allowed for any of the services aforesaid.

Passed March 9,  
1787.

An act for the punishment of Defamation.

Preamble.

*WHEREAS* defaming the civil authority of the State greatly tends to bring the same into contempt, and enervate the government.

For the prevention whereof,

Punishment for  
defaming courts  
of justice.

**B**E it enacted by the General Assembly of the State of Vermont, That whosoever shall defame any Court of justice, or any sentence or proceedings thereof, or any of the magistrates, Judges or Justices of any such Court, in respect of any act or sentence therein passed, and be thereof legally convicted before the Supreme Court in this State, shall be punished for the same by fine, imprisonment, disfranchisement, or banishment, as the quality and measure of the offence, in the opinion of the Court before which the trial is had, shall deserve.

Passed March 3,  
1787.

An act relating to witnesses, and taking affidavits out of Court.

Preamble.

*FORASMUCH* as it is often necessary that witnesses in civil causes should be sworn out of Court, when by reason of living more than twenty miles distant from the place where the cause is to be tried, or age, sickness, or other bodily infirmity, they are rendered incapable of travel and of appearing at Court.

To the intent therefore that all witnesses may indifferently testify their certain knowledge, and the whole truth in the case they are to testify unto;

And how  
Affidavits  
taken.

**B**E it enacted by the General Assembly of the State of Vermont, That for either of the reasons before-mentioned, every Justice of the Peace may take affidavits out of Court, so as a notification with reasonable time be first made out

## Witnesses and Affidavits.

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out and delivered to the adverse party, if within the State, and within twenty miles of the place of taking such deposition, or left at the place of his dwelling or usual abode, to be present at the time of taking such affidavit, if he think fit.

And every such witness shall be carefully examined, and cautioned to testify the whole truth, and nothing but the truth, and being sworn, the Justice shall attest the same, with the time of taking thereof, and that the adverse party was present, (if so) or that a notification was sent him; and shall seal up the testimony, and deliver it to the party (if desired) at whose request it was taken: and that depositions of witnesses living out of this State, shall be allowed in any Court in this State, if taken agreeable to the directions of this act, or the laws of the State where such witnesses shall reside.

Witnesses to be cautioned, &c.

And no person interested shall write or draw up the testimony of any witness in such case, nor any Attorney in his client's cause: and if it manifestly appears that any testimony was written or drawn up by any interested, or the Attorney in the cause, or be returned from any Justice of the Peace by any other than himself, into the Court where the same is to be used, unsealed, or the seal having been broken up, all such testimonies shall be rejected by the Court, and be utterly void and of none effect in law.

No interested person, or attorney, to draw an affidavit.

That every Justice of the Peace shall be, and is hereby empowered, upon request to him made, to grant a summons for the appearance of any witness before him, in any civil cause, where the witness is travelling out of the State before the time of trial, and to take his deposition in such case, the adverse party being present, or notification sent him as aforesaid.

Witnesses may be summoned to testify, &c.

*Provided nevertheless,* That witnesses to bonds, specialties, letters of attorney, and other instruments in writing, under the hand of the party executing the same, or to accounts, or testimonies relating to persons out of this State, may be sworn without such notification as aforesaid.

Provided.

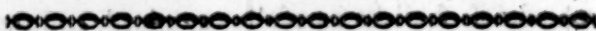
That if any person or persons, upon whom any lawful process shall be served, to testify or give evidence concerning any cause or matter depending in any Court in this State, and having tendered unto him, her or them, such reasonable sum or sums of money for his, her, or their costs and charges, as having regard to the distance of the place is necessary to be allowed, as the law requires in that behalf, do not appear according to the tenor of the process or summons, having no lawful or reasonable let or impediment to the contrary, that then the party so making default, shall for every such offence, lose and forfeit the sum of three pounds, and shall yield such further recompence to the party damaged, according to the loss and hindrance that he shall sustain by reason of the non-appearance of the said witness or witnesses: the said several sums to be recovered by the party so aggrieved, against the offender or offenders, by action or information, in any Court of record.

Penalty for non-appearance of witness.

*And be it further enacted by the authority aforesaid,* That all witnesses in criminal cases, shall have their expences borne and paid out of the county treasury,

Witnesses for the State where paid.

fury, where the case is tried in the County Courts. And such witnesses that attend the Supreme Courts, in criminal cases, shall have their necessary expences borne and paid out of the State treasury.



Passed March 3, 1787.

An act relating to Bills of Divorce.

I. For what causes the Supreme court may grant divorces.

**B**E it enacted by the General Assembly of the State of Vermont, That no bill of divorce shall be granted to any man or woman lawfully married, but in case of adultery, fraudulent contract, intolerable severity, or wilful desertion for three years, with total neglect of duty ; or in case of seven years absence of one party, not heard of : in which case, and in all others above-mentioned, the Supreme Court may, and said Court is hereby empowered, on due proof, to grant a bill of divorce to the aggrieved party ; and both parties shall thereupon be deemed single, and may lawfully marry again.

II. The court to allow alimony.

And be it further enacted by the authority aforesaid, That it shall be in the power of the Court granting such divorce, where the wife shall be the innocent party, or where the same is granted for intolerable severity, to set off to her such part of her husband's estate, according to such husband's degree and circumstances in life, and in such manner as in their discretion shall be thought expedient.



Passed Feb. 28, 1787.

An act for the punishment of Drunkenness, Gaming, and profane Swearing.

I. Fine for drunkenness.

**B**E it enacted by the General Assembly of the State of Vermont, That if any person shall be found drunk, so that he or she is thereby bereaved of the use of his or her reason and understanding, or the use of their limbs, and be thereof convicted before any Justice of the Peace, he or she shall forfeit, as a fine, the sum of six shillings, for every such offence, to the treasury of the town where such conviction is had, for the use of the poor thereof : and if the offender shall refuse to pay such fine and cost, and have not goods whereon to make distress, he shall be set in the stocks not exceeding three hours.

II. Tavernkeepers not to suffer gaming, &c.

And if any tavern-keeper, inn-keeper, alhouse-keeper, or victualler, shall have or keep, in or about his or their house or houses, yards, gardens, or other places to him or them belonging, any cards, dice, bowls, shuffleboards, or billiards, or any instrument for gaming, and shall suffer any person or persons resorting to any of their houses to use or exercise any of the aforesaid instruments, for any sum or sums of money, goods or liquors, he shall, on conviction thereof, forfeit and pay the sum of five pounds ; the one moiety thereof to the informer, with costs of prosecution, the other moiety to the treasury of the town where the offence is committed.

And



Regulating Elections.

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And if any person shall play at any such games, on any bet or wager, or shall bet or wage any money or goods, on any horse racing, or other sport, in any place in this State, he shall forfeit the sum of twenty shillings, and the value of the money or goods which he shall so bet, wage, play for, or win, to the use of the town where the offence is committed; to be recovered by the Treasurer of such town, by action of debt, before any Court proper to try the same.

Penalty for gaming.

And that if any person shall rashly, vainly, or profanely, swear by the name of God, or any other oath, or shall sinfully and wickedly curse any person or persons; such person so offending, shall, upon conviction before any Justice of the Peace, forfeit and pay for every such offence, the sum of six shillings: and if such person so convicted, be unable, or shall refuse to pay such fine, he shall be sit in the stocks not exceeding three hours, nor less than one hour, and pay cost of prosecution.

Penalty for swearing & cursing.

An act for regulating the election of Governor, Lieutenant-Governor, Council, Treasurer, and Representatives.

Passed March 8, 1787.

**B**E it enacted by the General Assembly of the State of Vermont, That the first Constables in the several towns in this State, without further order, shall set up a warning at such places as shall be appointed by their several towns, at least twelve days before the first Tuesday of September annually, notifying the freemen to meet at some place by them agreed upon in their respective towns, on the said first Tuesday of September, at nine of the clock in the morning; at which time they shall cause this act to be read openly. The freemen shall then proceed, first, to choose one Representative to attend the General Assembly for the year ensuing, on the second Thursday of the succeeding October; (the Constable having, from time to time, for the space of two hours previous to counting the votes, called on the freemen to bring in their votes for a Representative; at the expiration of which time, the votes shall be counted, and if no choice shall be made, then the said Constable shall be at liberty to count the votes afterwards brought in without such delay.) Secondly, the freemen shall severally bring in to the Constable present, the name of the person they would choose to be Governor for the year ensuing, fairly written, on a piece of paper; which ballots the said Constable shall receive, and, in the presence of the freemen, seal up, and write on the out-side of the paper so sealed, the name of the town, and these words, viz. *Votes for the Governor*: and shall proceed in like manner with respect to the votes for the Lieutenant-Governor, and Treasurer. Then said Constable shall call upon the freemen to give in their votes for twelve Councillors, for the year ensuing, with their names fairly written; which votes shall be counted and sorted by said Constable, who shall then make a proper list, on one sheet or piece of paper, of the names

I.  
The first constable to warn the freemen to meet to choose Governor, &c.

The order of the choice.

N.

of

Regulating Elections.

of the several persons voted for, with the number of votes for each person affixed to his name; which paper shall be sealed up by said Constable, in the presence of the freemen; and there shall be wrote, on the out-side thereof, the name of the town, and then these words, viz. *Votes for Councillors*, and the same shall be delivered to the Representative chosen in the town to attend the General Assembly, who shall deliver the same to said Assembly on the second Thursday in October then next. And any votes which shall be otherwise taken and sealed up, than is above directed, and presented to the Assembly, shall not be sorted and counted by the Committee appointed for that purpose.

A committee to count the votes.

And at the opening of the General Assembly, there shall be a Committee appointed from the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the Governor; and declare the person, who has the major part of the votes, to be Governor for the year ensuing: and if there shall be no choice made, then the Council and General Assembly, by their joint ballots, shall make choice of a Governor. And the Lieutenant-Governor and Treasurer shall be declared, and if necessary chosen, in like manner. Then said Committee shall proceed to receive, sort, and count, the votes for the Councillors; and the twelve highest in nomination shall be declared to be chosen Councillors for the year ensuing.

II.  
Penalty on constable for neglect.

*And be it further enacted by the authority aforesaid, That if any Constable shall refuse or neglect to attend such order as aforesaid, (annually) he shall forfeit and pay a fine to the treasury of the county, not exceeding the sum of fifty pounds, for every such neglect.*

Justice, &c. may supply the place of constable.

And if no Constable be present at such freemens meeting, a Justice of the Peace, or one or more of the Selectmen of said town, shall supply the place of the Constable.

III.  
Qualifications of freemen.

*Be it further enacted by the authority aforesaid, That every freeholder of the full age of twenty-one years, having resided in this State for the space of one year next before the election of Representatives, and who is of a quiet and peaceable behaviour, and will take the following oath, (or affirmation) shall be entitled to all the privileges of a freeman of this State, viz.*

Freeman's oath.

*You solemnly swear (or affirm) in presence of Almighty God, that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favour of any man. So help you God. (Or, Under the pains and penalties of perjury)*

IV.  
Selectmen to approve.

*Be it further enacted by the authority aforesaid, That no person shall be admitted to take the freeman's oath, until he shall have obtained the approbation of the Selectmen of the town, signifying that he is qualified according to this act; which oath any one Justice of the Peace, or the Town Clerk in their absence, is hereby empowered to administer.*

And

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And all such persons, admitted and sworn as aforesaid, shall be freemen of this State; and their names shall be enrolled in a roll, in the Town Clerk's office of that town wherein they are admitted as aforesaid.

Freemen named to be enrolled.

And that if any freeman of this State shall walk scandalously, or commit any scandalous offence, it shall be in the power of the Supreme Court in this State, on complaint thereof to them made, to disfranchise such freeman; who shall stand disfranchised, until by his good behaviour the said Supreme Court shall see cause to restore him to his freedom again; which the said Court is empowered to do.

Supreme court may disfranchise.

And if any person, who is not a freeman of this State, admitted and sworn according to law, shall presume to vote, or give in his ballot, in the election of any of the members of the General Assembly, or for a Governor, Lieut. Governor, Treasurer, or Councillors; or if any freeman shall put in more than one vote for one person, in the same election to one office, he shall pay a fine of five pounds to the Treasurer of the town where such offence is committed.

Penalty for illegal voting.

An act for the settlement of testate and intestate estates.

Passed March 27, 1787.

**B**E it enacted by the General Assembly of the State of Vermont; That the executor or executors, named by the testator of any last will or testament, or such other person or persons to whom the administration of the estates of persons deceased shall be committed, calling or taking to him or them, two or more judicious and disinterested freeholders, to be appointed by the Judge of Probate who shall prove the will or grant letters of administration, shall cause to be made by the said freeholders, (being under oath) a true and perfect inventory and appraisal of all the estate whatsoever of the person deceased, as well real as personal; and the same shall cause to be made of two parts, whereof one part by the said executor or executors, administrator or administrators, shall be delivered to the said Court of Probate, and the other part to be and remain with the said executor or executors, administrator or administrators.

By whom the appraisal, &c. to be made.

That if any executor or executors of the last will of any person deceased, knowing of his or their being so named or appointed, shall not within thirty days next after the decease of the testator, cause such will to be proved and recorded in the Register's office of that district where the deceased person last dwelt; or present the said will, and declare his or their refusal of the executorship; every executor so neglecting his or her trust or duty in that behalf, (without just excuse made and accepted by the Judge of Probate for such delay) shall forfeit the sum of three pounds per month, from and after the expiration of the thirty days, until he or they shall cause probate of such will to be made, or present the same as aforesaid. And upon such refusal of the executor or executors,

Penalty on executors for neglect to prove the will.



Settlement of Estates.

executors, or on his or their refusal to give bond with sufficient surety, for the faithful discharge of his or their trust, if the Judge of Probate shall think the same to be necessary, the Court of Probate shall grant administration of the estate of the deceased, with the will annexed, unto the widow, or next of kin to the deceased; and upon their refusal, incapacity, or absence from the State, to one or more of the principal creditors, as the Court shall think fit.

And exhibit an inventory.

And if the executor or executors of any last will or testament presented for probate to any of the Courts of Probate in this State, shall not within the space of two months next after the probate of such last will and testament, cause such inventory to be made as aforesaid, and the same to be exhibited in the Register's office of the same Court of Probate where the said will was accepted and recorded; every executor so neglecting his or her trust, in that case, (without just excuse made to the Judge of said Court, and accepted for such delay) shall forfeit the sum of three pounds per month, from and after said two months are expired, until he or they shall inventory the said estate, and exhibit the said inventory as aforesaid.

Disposition of forfeitures.

Every such forfeiture, as well for not causing the will to be proved, as for not exhibiting an inventory as aforesaid, shall be and belong to him or them who shall sue for the same, and prosecute to full effect; to be recovered by action or information in the county where the testator last dwelt.

Penalty for embezzlement.

And if any person or persons shall alienate or embezzle any of the goods or chattels of any person deceased, before he or they have taken out letters of administration, and exhibited a true inventory of all the known estate of the said deceased, all and every person so acting, shall stand chargeable, and be liable, to the actions of the creditors, and other persons grieved, as being executors in their own wrong.

II.  
Three witnesses to a will.

*Be it further enacted by the authority aforesaid,* That no wills or testaments wherein there shall be any devise or devises of real estate, shall be holden good, and allowed for any such devise or devises, if they are not witnessed by three witnesses, all of them signing in the presence of the testator.

*And for preventing fraud in concealing any part of the estate of any person deceased,*

III.  
Persons having goods, &c. in possession, to deliver them up,

*Be it further enacted by the authority aforesaid,* That if any person or persons in this State, shall have in his or their custody or possession, any goods or chattels belonging to the estate of any deceased person, or any deeds, bills, bonds, notes, accounts, or other such things as may tend to disclose such estate; and, upon demand of the same made by the executor or administrator of such estate, shall refuse to make delivery, or give a satisfactory account thereof to the said executor or administrator, it shall be in the power of any Justice of the Peace in the same county, upon complaint thereof made to him by the said executor or administrator, to issue a warrant to some fit person to apprehend such offender, and to bring him or her before such Justice, who may bind such person with sufficient sureties, to appear before the next Court of Probate: and the said Court

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Court is hereby empowered to examine such offender or offenders, under his or their oaths, upon such interrogatories touching such goods, chattels, deeds, bills, bonds, notes, accounts, and other things tending to disclose the estate aforesaid, as the said Court shall think fit: and if the offender or offenders shall refuse to be examined therein under oath, or to answer fully to such interrogatories to be administered or put to such person or persons by the said Court of Probate, it shall be lawful for the said Court to commit every such offender to the common goal, there to remain until such person shall better conform.

or be imprisoned;

*Be it further enacted by the authority aforesaid,* That if any of the creditors, or legatees of the deceased, are aggrieved by the appraisement of the estate made by the administrator, or the persons appointed for that purpose, they may have relief by application to the Court of Probate that granted administration; which Court is hereby empowered and required to appoint twelve good and lawful men of the neighbourhood, and to swear them to make a new appraisement of the estate at the then true value and worth thereof in money, according to their best skill: and the said administrator shall be accountable for such estate according to the appraisement thereof made by the twelve men; and if he make payment of debts or legacies therewith, or any part thereof, the creditors or legatees shall have such estate at the value stated by such appraisers.

IV.  
Relief for persons  
aggrieved by ap-  
praisal.

*Provided,* Said application be made to such Court within three months after the inventory of such estate be exhibited into the registry of said Court, and not after.

Provido.

*Be it further enacted by the authority aforesaid,* That when any person dies intestate, administration of such intestate's estate shall be granted to the widow, or next of kin to the intestate, or both, as the Court of Probate shall judge fit; and on granting administration on the estate of intestates, or others whomsoever, the Court of Probate granting such administration, shall take sufficient bond, with surety, at the discretion of the said Court, of such person or persons to whom administration is granted as aforesaid, for a faithful discharge of that work: which bond shall be conditioned according to the form hereafter in this act directed.

V.  
Court to grant  
letters of adminis-  
tration, &c.

And the Court of Probate shall cause a citation to be made out to the widow, or next of kin within this State capable to execute said trust, and upon their neglect of appearance, or refusal, may commit administration of any estate which an executor does not administer, to some one or more of the chief creditors, if accepted by him or them, or others, as the said Court shall think fit upon their refusal.

*Be it further enacted by the authority aforesaid,* That the Courts of Probates (debts, funeral, and all other just expences of all sorts, being by said Court first deducted) shall, and are hereby fully empowered, to order and make a just division and distribution of the surplussage, or remaining goods and estate of such intestate, as well real as personal, in manner following, that is to say, one third part of the personal estate to the widow of the intestate (if any be) forever, be-

vi.  
To make division

sider

## Settlement of Estates.

sides her dower or thirds in the houses and lands during life, where such widow shall not be otherwise endowed before marriage; and all the residue and remainder of the real and personal estate, by equal portions to and among the children, and such as shall legally represent them, (if any of them be dead) other than such children who shall have any estate by settlement of the intestate in his life time, equal to the others shares; children advanced by settlement, or portions not equal to the others shares, to have so much of the surplussage as to make the estates of all, of the same sex, to be equal: and the same shall be so divided as that the male heirs may have their parts in the real estate so far as the estate will allow; and where there are no sons, the daughters shall inherit as copartners, provided that the portions or shares of the sons (if any be) shall be double to the shares of the daughters.

By three freeholders.

And the division of the estate shall be made by three sufficient freeholders under oath, or any two of them, to be appointed by the said Court of Probate, unless all the persons interested in any estate, being legally capable to act, shall mutually agree upon a division among themselves, and present the same in writing under their hands and seals; in which case such agreement shall be accepted and allowed for a settlement of such estate, and accounted valid in law, being acknowledged by the parties subscribing, before the said Court of Probate, or before a Justice of the Peace, and put upon record in the records of said Court.

Provided.

*Provided nevertheless,* That when any estate in houses and lands cannot be divided among the children, without prejudice to, or spoiling of the whole, being so represented and made to appear unto the said Court of Probates, the said Court may order the whole to the eldest son, if he accept of it, or to any other of the sons successively, (upon his refusal) he, to whom it shall be ordered, paying to the other children of the deceased, their equal and proportionable parts or shares of the true value of such houses and lands, upon a just appraisement thereof, to be made by three sufficient freeholders upon oath, to be appointed and sworn as aforesaid; or giving good security to pay the same in some convenient time, as the said Court of Probate shall limit, with interest, not exceeding six per cent. per annum.

Portions of dead heirs to be divided, &c.

Estate how divided if no children.

And if any of the children happen to die before he or she come of age, or be married, the portion of such child deceased, shall be equally divided among the surviving children, and their legal representatives. And in case there be no children, nor any legal representatives of them, then one moiety of the personal estate shall be allotted to the widow of the intestate forever, and one third of the real estate for term of her life: the residue of the real estate received by descent, gift or devise, from his or her parent, ancestor, or other kindred, shall belong to the brethren and sisters of the intestate, and those who legally represent them, of the blood of the person or ancestor from whom such estate came or descended, in proportion as aforesaid: and in case there be no such brothers or sisters, nor legal representatives as aforesaid, then such real estate derived as aforesaid,



## Settlement of Estates.

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aforesaid, shall be and remain to the next of kin to, and of the blood of said ancestor, or person from whom such real estate is derived as aforesaid: and the remainder both of the real and personal estate, in proportion as aforesaid, to every of the brethren and sisters of the intestate of the whole blood, and such as legally represent them: or if there be no such kindred, then to the parent or parents of the intestate. And if there be no parents, then in proportion as aforesaid, to every of the brothers and sisters of the half blood of the intestate: but if there be no parent, brother or sister, then in proportion as aforesaid, to every of the next of kin to the intestate, in equal degree, and those who legally represent them: kindred of the whole blood to take in preference to kindred of the half blood, in the same degree.

And if there be no widow, all shall be divided and distributed among the kindred, in manner aforesaid.

And every one, to whom any share or part shall be allotted, shall give bond, with sureties, before the said Court of Probates, (if debts afterward be made to appear) to refund and pay back to the administrator, his or her rate, or part thereof, and of the administrator's charges.

And the widow's thirds or dower in the real estate, at the expiration of her term, to be also divided as aforesaid, if the same remain then undivided.

*Be it further enacted by the authority aforesaid,* That it shall be in the power of the administrator or administrators of any intestate estate, when there shall be any sum or sums of money, or any personal estate, to be divided among the heirs of such intestate, being minors, to vest the same, or any part thereof, in lands, for the use of such minors, and their heirs, in such proportion as such money or personal estate should otherwise have been distributed, with the consent of their respective guardians, at the discretion, and under the direction, of the Judge of Probate.

*Be it further enacted by the authority aforesaid,* That every married woman, living with her husband in this State, or absent from him elsewhere, with his consent, or through his meer default, or by inevitable providence; or in case of divorce, where she is the innocent party, that shall not before marriage be estated, by way of jointure, in some houses, lands, tenements, or hereditaments, for term of life, or with some other estate in lieu thereof, shall immediately upon and after the death of her husband, have right, title, and interest, by way of dower, in and unto one third part of the real estate of her deceased husband, in houses and lands, which he stood possessed of in his own right, at the time of his decease, to be to her during her natural life; the remainder of the estate to be disposed of according to the will of the deceased, and where there is no will, according to law.

*Provided always,* That this law shall not extend to the widows of those that have been, or may be, guilty of treason.

*And for the more easy and speedy ascertaining such right of dower,*

*And*

If no widows

Heirs to give bond, &c.

Widow's dower to be divided.

VI.  
Administrators may vest the estates of minors in lands.

VIII.  
Widows to have one third of the real estate during life.

Provided

IX.  
Widow's dower  
to be set out in  
60 days.

*It is further enacted by the authority aforesaid, That upon the death of any man possessed of any real estate as aforesaid, which his widow, by this act as before expressed, has a right of dower in, if the person or persons that by law have a right to inherit such estate, do not within sixty days next after the death of such husband, by three sufficient freeholders of the same county, to be appointed by the Judge of Probate in whose district the estate lies, and sworn for that purpose, set out and ascertain such right of dower; that then such widow may make her complaint to the Judge of Probate in whose district the estate lies, which Judge shall decree and order, that such woman's dowry shall be set out and ascertained by three sufficient freeholders of the county, who shall be sworn faithfully to proceed and act therein, according to their best skill; and the said dower being set out and ascertained in either of the methods aforesaid, the doings of such freeholders shall be returned to the Judge who ordered the dower to be set out as aforesaid, and upon approbation thereof by the said Judge, said dower shall remain fixed and certain: and all persons concerned therein shall be concluded thereby.*

Buildings to be  
Rf. in repair.

*And every widow, so endowed as aforesaid, shall maintain all such houses, buildings, fences, and inclosures, as shall be assigned and set out to her for her dowry, and shall leave the same in good repair.*

Widow neglect-  
ing, county court  
may deliver it to  
the heir.

*And if such widow, or her assigns, shall not maintain, and keep in good repair, such houses, buildings, fences, and inclosures, as shall be assigned and set out to her as aforesaid, it shall be in the power of the County Court in which such estate is, upon application to them made, to deliver so much of the said houses and lands to the next heir of the same, and for so long a time, as in their judgment shall be sufficient, out of the rents or profits thereof, to repair such defects; unless such widow, or her assigns, shall give good security for the leaving such houses, buildings, fences, and inclosures, in sufficient repair.*

X.  
An appeal allow-  
ed.

*Always provided, and it is hereby enacted, That if any person be aggrieved at any order, sentence, or decree, of any Court of Probates, made for the settlement and distribution of any intestate estate, or at any other order, sentence, decree, or denial, that shall at any time be made and given by the said Court of Probates, referring to the approbation of any will, grant of administration, or other matter, such person may appeal therefrom to the Supreme Court: provided they give security, and enter and prosecute such appeals within the times limited for that purpose, as is provided and directed in the law regulating appeals in civil actions.*

XI.  
Court to take  
bond.

*Be it further enacted by the authority aforesaid, That every Court of Probate shall, upon granting administration upon the estate of any deceased person, take bond with sufficient surety or sureties, to the Judge of the said Court, and his successors in that office, with this condition, viz.*

Condition there-  
of.

*"The condition of the above obligation is such, that if the above bounden A. B. administrator of all and singular the goods, chattels, credits, and estate of*

## Settlement of Estates.

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of C. D. deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels, credits and estate of the said deceased, which have or shall come to the hands, possession, or knowledge, of the said A. B. or into the hands or possession of any person or persons for him; and the same so made, do exhibit, or cause to be exhibited, into the registry of the said Court of Probates in the district of—, at or before the—day of—next ensuing; and the same goods, chattels, credits and estate, and all other of the goods, chattels, credits and estate, of the said deceased, at the time of his death, which at any time after shall come into the hands or possession of the said A. B. or into the hands or possession of any person or persons for him, do well and truly administer according to law.—And further do make, or cause to be made, a true and just account of his said administration, at or before the—day of—, and all the rest and residue of the said goods, chattels, credits and estate, which shall be found remaining upon the said administrator's account, (the same being first examined and allowed by the said Court of Probates) shall deliver and pay unto such person or persons respectively, as the said Court of Probates, by their decree or sentence, pursuant to the true intent and meaning of the law, shall limit and appoint: and if it shall hereafter appear that any last will and testament was made by the said deceased, and the executor or executors therein named exhibit the same into the said Court, making request to have it allowed and approved accordingly:—if the said A. B. being thereunto required, do render and deliver the said letters of administration, (approbation of such testament being first had and made) in the said Court, then this obligation to be void and of no effect, or else to remain in full force and virtue."

*And be it further enacted by the authority aforesaid,* That when the debts and charges allowed by the Court of Probate, in the settlement of any intestate estate, (or any testate estate where provision is not made by the will of the testator) shall exceed the personal estate, it shall be lawful for the Judges of such Courts respectively, to order the sale of so much of the real estate as shall be sufficient to pay the same, with the incidental charges of sale, in such manner as shall appear to them to be most for the benefit of such estates; which sales shall be made by a Commissioner or Commissioners appointed by the Judge, and when made, shall be good and effectual in law.

And all such houses and buildings as appertain to the estate of any person deceased, shall be kept and maintained in tenantable repair by the revenue of the lands belonging to such estate; and shall in such repair, be delivered to the heirs or legatees, at the time of the division or distribution thereof (extraordinary casualties excepted).

*Be it further enacted by the authority aforesaid,* That when the estate of any person deceased shall be insufficient to pay the just debts charged upon the same, such estate shall be disposed of by the administrator, in the best way and manner as the Judge shall order; and the produce thereof divided and distributed

XII.  
When personal estate is insufficient, court may order sale of real estate.

Houses, &c. to be kept in repair.

XIII.  
Insolvent estates to be disposed of.



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buted to the creditors in proportion to the sums respectively owing to them, so far as the estate will extend; saving the debts due to this State, and for the last sickness, and necessary funeral charges, which shall be first paid.

*Executor's duty.*

And the executor, or administrator, appointed to administer on such insolvent estate, before payment be made to any person, (except as before excepted) shall represent the condition and circumstances thereof to the Judge of Probate, who shall nominate and appoint two or more fit and indifferent persons Commissioners, who shall be sworn to a true and faithful performance of their trust, and who shall then proceed to appoint times and places to sit and examine the claims on such estate, and publish the same, by setting up or posting notifications thereof in some public place in the town where such deceased person last resided, and in one or more of the newspapers printed in this State, and in such other places as the Judge shall direct. And the said Judge shall allow two, six, twelve, or eighteen months, (as the circumstances of the estate may require) for the creditors to bring in their claims and prove their debts; and the same further to prolong, if such Judge shall determine it to be necessary: at the end of which limited time such Commissioners shall make their report, and present a list of the claims to the said Judge, who shall order them meet recompense out of said estate.

*Debts due to the State, &c. to be first paid.*

And the debts due to this State, and for the last sickness, necessary funeral charges, and cost of settlement, being deducted, (such estate being found to be insolvent) the Judge shall order the remainder to be divided to the other creditors who shall have made out and evidenced their claims as aforesaid, saving to the widow (if any be) such household goods as in this act hereafter are allowed to her, and her dower during life; which shall also be sold by the administrator immediately, with the incumbrance of the widow having the use thereof during her life.

*Provided*

That where the widow, and two thirds in value of the creditors, shall mutually agree upon a portion of the real estate to be assigned to her during her life, or of the personal estate to be set off to her forever, in lieu of her dower, with the approbation of the Court of Probate, the same shall be valid and binding.

*Provided also*

That notwithstanding the report of any such Commissioners, or allowances thereof made by the Court of Probate, it shall and may be lawful to and for the executors or administrators aforesaid, to contest the proof of any debt at common law. And no process in law (except for debts due to this State, and for sickness, and funeral charges) shall be admitted against the executors or administrators of any estate represented insolvent, so long as the same shall be depending as aforesaid.

*Creditor neglecting, to be debarred.*

And whatsoever creditor shall not make out his or her claim with such Commissioners, before the full expiration of the time set and limited for that purpose as aforesaid, said creditor shall forever be debarred of his or her debt,

## Settlement of Estates.

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unless he or she can shew or find some other or further estate of the deceased; not before discovered and put into the inventory.

*And be it further enabled by the authority aforesaid,* That the executors or administrators of any estate, may publish a notification, under the direction of the Judge of Probate, requiring all persons, having any demands on such estate, to bring in their claims within such time as the said Judge shall appoint, not exceeding eighteen months; which notification shall be posted and published, in such manner, and in such places, as the said Judge shall direct, so as most effectually to notify the creditors: and every creditor who shall not exhibit his debt or demand against such estate, to the executors or administrators, within the time limited by said Judge, shall be forever barred his, her, or their debt or demand.

*And be it further enabled by the authority aforesaid,* That when it shall happen, that the personal estate of a deceased intestate, leaving a widow, is not sufficient for the payment of the debts of the said deceased, besides such household goods as are necessary for the support of life, and are exempted from execution in the law, entitled, *An act directing and regulating the levying and serving executions,* in such case, the Court of Probate that grants administration on the estate of the deceased, shall, in his discretion, order unto the widow of the deceased, such necessary household goods as are expressed in that act, for her use, during life.

*And be it further enabled by the authority aforesaid,* That when, and so often as, there shall be occasion, the Courts of Probates in the several districts in this State, shall be, and they are hereby empowered, to allow of guardians who shall be chosen by minors of age by law for choosing guardians, and to appoint guardians for such as shall be within that age; and that when it shall so happen that there shall be any minor of age for choosing a guardian, who hath neither father, guardian, nor master, then each and every of the Judges of the said Courts of Probate within whose district such minor lives or resides, shall notify such minor to appear before him, and elect some fit person to be his or her guardian; which being done, the same may be allowed as aforesaid: and upon refusal or neglect to make such choice or election, such Judge shall appoint, and the respective Judges aforesaid are hereby empowered to appoint, a guardian for such minor neglecting or refusing as aforesaid. And the power and authority of such guardian shall be as good and effectual to all intents and purposes, as if first elected by such minor, and thereupon allowed as aforesaid.

And every Judge of Probate, on his allowing or appointing any guardian as aforesaid, shall take sufficient security of all such guardians for the faithful discharge of their trust, according to law; and oblige them to render an account of their guardianship to the Court, or minor, when such minor shall arrive at full age, or at any other time which the said Court of Probate, upon complaint to them made, shall see cause to appoint.

XIV.  
Notifications, to be published under direction of the Judge.

XV.  
Allowance to widow where estate is insufficient.

XVI.  
Courts to allow of and appoint guardians.

Taking security.

And

Levying and serving of Executions.

Guardians when  
to account.

And such guardians may at any time during the continuance of their said guardianship, account with the Judge of Probate of the district, upon their own application.

Passed Feb. 28,  
1787.

An act directing and regulating the levying and serving of Executions.

*For duly regulating the service of executions,*

I.  
Officer to de-  
mand debt and  
charges.

**B**E it enacted by the General Assembly of the State of Vermont, That when any judgment is recovered, and execution taken out thereon, the Sheriff or other officer to whom execution is directed, shall repair to the place of the debtor's usual abode, if within his precinct, and there make demand of the sum or debt due on such execution, with all necessary charges of executing the same; and upon refusal or neglect of the same, the officer shall levy the execution upon any of the moveable estate of the debtor, except one cow, and necessary apparel, bedding, tools, arms, or implements of his household necessary for upholding life; but not on such goods as last aforesaid, unless presented by the debtor.

Goods exempted.

Goods to be post-  
ed 20 days.

And the officer shall forthwith draw an account of the goods or estate he shall so seize and take, and set up the same on the signpost of the town wherein he shall seize the same, or at such other place as may be agreed upon between the officer and debtor; and the officer shall set up together with such account, a notification, that the goods so posted, are to be sold at the place where such notification was set up, at a time to be therein mentioned, not less than twenty days from the time of sitting up such notification.

And then sold.

And in case the debtor shall not, within the said twenty days, pay the debt, and all the cost and charges arising thereon, the officer shall cause public proclamation to be made at the place of sale, to give notice that such goods, or so many of them, are to be sold as shall be necessary there, at an out cry, to the highest bidder: and of the effects thereof, the officer shall pay the debt and charges due to the creditor, and satisfy himself for his own fees and charges, and the overplus (if any be) return to the owner thereof.

Proviso.

*Provided,* That whenever an officer shall levy on any personal estate, if the creditor shall choose to have the same appraised to him, it shall be lawful for such officer to cause such property to be appraised to the creditor, in satisfaction of his debt, in the manner herein after directed, in case of appraising real estate. That in case moveable or personal estate of the debtor sufficient to satisfy the debt and charges cannot be found, and the creditor shall not agree to accept or take the debtor's lands, the officer shall levy the execution on the debtor's body, and him commit to the common goal, in the county in which the execution is levied; where the debtor shall remain until he shall pay the debt and charges,



## Levying and serving of Executions.

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charges, with the officer's and prisonkeeper's fees, or be otherwise discharged by due course of law. And every officer who shall commit any person to prison by virtue of any distress or execution, shall deliver a copy of such writ or execution, and of his return, signed by such officer, to the goaler or prisonkeeper; which copy so signed and delivered, shall be a sufficient warrant or order to the goaler, to receive such person or persons, and him or them to hold in safe custody till delivered by law.

*And be it further enacted by the authority aforesaid,* That all lands and tenements belonging to any person in his own proper right, in fee, shall stand charged with all the just debts owing from such person, as well as his personal estate, and shall be liable to be taken in execution for the same, at the election of the creditor, where the debtor or his attorney shall not expose and tender personal estate, sufficient to satisfy the execution, and charges: And all executions, duly served upon any such houses and lands, with the return of the officer thereon, being recorded in the records of lands in the town wherein such houses and lands are situate, or in the office where deeds respecting such lands ought by law to be recorded, and also returned in to the office of the Clerk of the Court or Justice where the same issued, and there recorded, shall, against the debtor, his heirs and assigns, make a good title to the party for whom they shall be taken, his heirs and assigns forever.

And whenever any execution shall be levied on lands, the same shall be appraised by indifferent freeholders of the vicinity of the town or place where such lands lie, or if that town be a party, then of the next adjoining town; one of whom may be chosen by the debtor, and another by the creditor, and if they do not agree in choosing a third, or if either party neglect to choose, the officer shall apply to the next Justice of the Peace, who by law may judge between the parties in civil causes; which Justice shall appoint one or more appraisers, as the case may be; which appraiser shall be sworn by the officer according to law.

And it shall be the duty of the officer to cause such execution, with his endorsement thereon, to be entered on the town records, or in the proper office, as aforesaid, before he return the same; and the officer shall have two shillings for causing the same to be recorded, with additional fees for his travel.

And all writs of execution, issued by the respective County Courts, or by a Justice of the Peace, shall run into any county, or place within this State, and be there executed by any officer to whom directed.

And every writ of execution, issued by the Supreme or any County Court, shall be made returnable within sixty days or to the next Court, (if not less than sixty days) at the election of him who prays it out. And all Constables, as well as Sheriffs, shall have power to execute any writ of execution to them directed, within their own precincts.

II.

Lands taken, &c.  
execution, &c. to  
be recorded.

Parties to choose  
appraisers.

Fee for recording  
execution, &c.

The extent of ex-  
ecutions.

Time of return.

Sheriffs & constables  
power.

Regulating and stating Fees.

Passed March 9,  
1787.

An act for the regulation of Fees.

**B**E it enacted by the General Assembly of the State of Vermont, That the fees to be taken by the several officers of this State herein after mentioned, so far as the same are particularly enumerated, be as follows, viz.

*Governor's Fees.*

**Governor's fees.** On signing each charter for a township of six miles square, } £. 2 8 0  
or more,  
And in proportion for a less quantity.

*Lieutenant-Governor's Fees.*

**Lieut. Gov. fees.** For attending the Council per day, - - - 0 15 0  
Travel per mile out, - - - 0 0 4

*Councillors Fees.*

**Councillor's fees.** For attending Council per day, - - - 0 7 0  
Travel per mile out, - - - 0 0 4

*Representatives Fees.*

**Representatives fees.** For attending the General Assembly per day, - - - 0 6 0  
The Speaker of the General Assembly per day, - - - 0 12 0  
Clerk of the General Assembly per day, - - - 0 12 0  
Travel per mile out, - - - 0 0 4

*Supreme Courts Fees.*

**Supreme court's fees.** Chief Judge while on the circuits, per day, - - - 0 18 0  
Each of the other Judges, while on the circuits, per day, - - - 0 15 0  
For recognizance, and allowing and signing a writ of }  
error, audita querela, or certiorari, - - - 0 4 0  
To the Jury for each action tried, - - - 1 4 0  
And there shall be paid into the Clerk's hands for the bene- }  
fit of the Judges attending, for each action tried, - - - 0 15 0  
And for each default or confession, - - - 0 6 0

*Clerk of Supreme Courts Fees.*

**Clerk of supreme court's fees.** For each day's attendance on the Court while on the circuits, - - - 0 10 0  
Entering each action for trial, - - - 0 2 0  
Entering each judgment by default or confession, - - - 0 2 6  
Recording each judgment on demurrer and after verdict, - - - 0 4 6  
Taking each recognizance in Court, - - - 0 1 0  
Filing each recognizance, testimony, and other necessary }  
paper, - - - 0 0 6  
Every rule of Court, - - - 0 0 9  
Every execution, - - - 0 1 6  
Copies of each paper, so much as shall be taxed by the }  
Court, according to the length, - - - }  
For other services not herein enumerated, such sum as }  
shall be allowed by the Court. - - - }

County

Settlement of Estates.

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County Courts Fees.

|                                                                                                                             |   |    |   |                      |
|-----------------------------------------------------------------------------------------------------------------------------|---|----|---|----------------------|
| For each judgment after verdict or on demurrer, to be paid }<br>to the Clerk for the benefit of the Judges attending,       | o | 4  | o | County court's fees. |
| For each default or confession,                                                                                             | o | 2  | o |                      |
| For each licence to a tavernkeeper,                                                                                         | o | 3  | o |                      |
| On the first entry of each action,                                                                                          | o | 4  | o |                      |
| The Chief Judges share of the above perquisites, to be one }<br>quarter part more than that of either of the Side Judges. } |   |    |   |                      |
| Bond, allowance, and signing an audita querela, for each signer,                                                            | o | 3  | o |                      |
| To the Jury for each action tried,                                                                                          | o | 18 | o |                      |

Clerk of County Courts Fees.

|                                                                                                        |   |   |   |                               |
|--------------------------------------------------------------------------------------------------------|---|---|---|-------------------------------|
| Entering each action,                                                                                  | o | 1 | o | Clerk of county court's fees. |
| Entering each judgment by default or confession,                                                       | o | 1 | 6 |                               |
| Entering each judgment on demurrer or after verdict,                                                   | o | 3 | o |                               |
| Every appeal or review,                                                                                | o | 2 | o |                               |
| Filing each recognizance, testimony, and other necessary }<br>paper,                                   | o | o | 4 |                               |
| Taking each recognizance in Court,                                                                     | o | 1 | o |                               |
| Entering the common rule in ejectment,                                                                 | o | 1 | 6 |                               |
| Every other rule or order of Court,                                                                    | o | o | 6 |                               |
| Every execution, including the filing of the same,                                                     | o | 1 | 6 |                               |
| For each licence to a tavernkeeper,                                                                    | o | 1 | o |                               |
| Copies of each paper, such sum as shall be allowed by the }<br>Court, according to the length.         |   |   |   |                               |
| For other services not herein particularly enumerated, }<br>such sum as shall be allowed by the Court. |   |   |   |                               |

Justices Fees.

|                                                           |   |   |   |                |
|-----------------------------------------------------------|---|---|---|----------------|
| For drawing a writ,                                       | o | 1 | o | Justices fees. |
| Signing a summons,                                        | o | o | 6 |                |
| Signing all attachments or summonses, when bond is given, | o | o | 9 |                |
| Subpoena for each witness,                                | o | o | 4 |                |
| For judgment, in each action tried,                       | o | 2 | 6 |                |
| If on the verdict of a Jury,                              | o | 3 | o |                |
| Every execution,                                          | o | 1 | 6 |                |
| Each continuance,                                         | o | 1 | o |                |
| Every warrant for criminals, and bond,                    | o | 2 | 3 |                |
| Copy of each evidence,                                    | o | 1 | o |                |
| Copy of judgment,                                         | o | 1 | o |                |
| Recognizance,                                             | o | 1 | o |                |
| Each venire for a Jury,                                   | o | o | 8 |                |
| Judgment on confession, or default,                       | o | 1 | o |                |
| Affidavits taken out of Court,                            | o | 1 | o |                |
| Taking the acknowledgment of a deed, &c.                  | o | o | 2 |                |

Judge



Regulating and stating Fees.

Judge of probate's fees.

*Judge of Probate's Fees.*

|                                                                                         |   |   |   |
|-----------------------------------------------------------------------------------------|---|---|---|
| For granting administration,                                                            | 0 | 2 | 0 |
| If the inventory exceeds fifty pounds,                                                  | 0 | 3 | 0 |
| Receiving and proving each will, where the inventory does }<br>not exceed fifty pounds, | 0 | 2 | 0 |
| If the inventory exceeds fifty pounds,                                                  | 0 | 3 | 0 |
| Allowing of accounts, settling and dividing intestate estates,                          | 0 | 5 | 0 |
| Every necessary order or rule,                                                          | 0 | 1 | 0 |
| Appointment of persons to inventory and appraise an estate,                             | 0 | 1 | 6 |
| Appointing a Committee to set off a widow's dower,                                      | 0 | 1 | 6 |
| Appointing guardians,                                                                   | 0 | 2 | 0 |

Clerk of probate's fees.

*Clerk of Court of Probate's Fees.*

|                                                                                                                                                  |   |   |   |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| For drawing and filing administration bond,                                                                                                      | 0 | 2 | 0 |
| Each letter of administration,                                                                                                                   | 0 | 1 | 6 |
| Drawing probate of a will, where the inventory does not }<br>exceed fifty pounds,                                                                | 0 | 2 | 0 |
| Where it does exceed fifty pounds,                                                                                                               | 0 | 2 | 6 |
| Recording or copying a will, inventory, or other necessary }<br>paper, for each hundred words,                                                   | 0 | 0 | 5 |
| Every citation,                                                                                                                                  | 0 | 0 | 9 |
| Every quietus or acquittance,                                                                                                                    | 0 | 2 | 6 |
| Making out a commission, to receive and examine the }<br>claims of creditors to insolvent estates,                                               | 0 | 2 | 0 |
| Registering the same,                                                                                                                            | 0 | 1 | 0 |
| Entering an order upon the administrator to pay out the }<br>estate, in proportion, unto the several creditors returned<br>by the Commissioners, | 0 | 1 | 6 |
| Entering every other necessary order or rule,                                                                                                    | 0 | 0 | 6 |
| Drawing and filing every guardian bond,                                                                                                          | 0 | 2 | 0 |
| For every other necessary service, not herein particularly<br>mentioned, such sum as shall be allowed by the Judge.                              |   |   |   |

Secretary of State's fees.

*Secretary of the State's Fees.*

|                                                                                                                                                                          |   |   |   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| For recording laws in the State records, for every hundred words,                                                                                                        | 0 | 0 | 5 |
| For receiving and filing each petition of a private nature,                                                                                                              | 0 | 0 | 8 |
| For receiving and filing each petition for land,                                                                                                                         | 0 | 1 | 0 |
| For copies of laws, petitions, &c. for each hundred words,                                                                                                               | 0 | 0 | 5 |
| For each citation between party and party,                                                                                                                               | 0 | 1 | 0 |
| And there shall be paid to the Secretary, for the use of the }<br>treasury, on the filing of each petition between party and<br>party, to be determined by the Assembly, | 1 | 0 | 0 |
| For drawing, attesting, and registering each charter of incor- }<br>poration,                                                                                            | 1 | 0 | 0 |

For

Regulating and stating Fees.

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For attending the General Assembly per day, - - - 0 12 0  
Travel per mile out, - - - - - 0 0 4

*Secretary of the Council's Fees.*

For each military commission, he finding blanks, - - - 0 1 0  
Each commission for the Judges of the Supreme Court, 0 2 0  
Each commission for the Justices of a county, - - - 0 4 6  
Each commission for Judges of County and Probate Courts, 0 2 0  
Every order of Council for the benefit of particular persons, 0 1 0  
Affixing the State seal, each time, - - - - - 0 1 0  
Attending Council, per day, - - - - - 0 9 0  
Travel per mile out, - - - - - 0 0 4

Secretary of  
council's fees.

*Town Clerk's Fees.*

For recording a deed, - - - - - 0 1 2  
For the copy of a deed, - - - - - 0 1 2  
Recording a survey bill, - - - - - 0 0 6  
Recording a marriage, birth, or death, - - - 0 0 3  
Recording each mark, - - - - - 0 0 6

Town clerk's  
fees.

*Attornies Fees.*

For drawing a writ on a note not negotiated, - - - 0 1 0  
For other writs, such sum as shall be allowed by the  
Court, in proportion to their length and difficulty.  
To the State's Attorney, for prosecuting each criminal  
action to effect, such sum as shall be allowed by the } 1 10 0  
Court, not exceeding thirty shillings,

Attornies fees.

*Post Wages.*

For man, horse, and expences, each mile out, if not } 0 0 4  
across the Green-Mountain,  
If across the Green-Mountain, for thirty miles distance, at } 0 0 6  
six pence per mile,

Post wages.

*Sheriffs, Constables, Plaintiffs, Defendants, Witnesses, Jurors,  
Appraisers fees, &c.*

Serving every process on each defendant by reading, - - - 0 0 4  
If by copy, - - - - - 0 1 0  
Bail if taken, - - - - - 0 1 0

Sheriffs, constables,  
plaintiffs,  
defendants, wit-  
nesses, jurors, and  
appraisers, fees.

For levying each execution, to be one shilling, for one pound }  
or under, and three pence on the pound for every pound }  
above.

For each day's attendance upon the appraisement or sale } 0 2 0  
of estate taken in execution,

For attending on a Justice's Court, when obliged to attend, } 0 2 0  
for each action tried,

Each mile's travel from the place of service to the place of } 0 0 4  
holding the Court, (executions excepted)

R

Sheriffs

Regulating and stating Fees.

|                                  |                                                                              |
|----------------------------------|------------------------------------------------------------------------------|
|                                  | Sheriffs attending the General Assembly; Supreme or } o 6 o                  |
|                                  | County Courts, per day, - - - - - } o 4 6                                    |
|                                  | Constables for the like service, per day, - - - - - } o 4 o                  |
|                                  | Fees for persons attending to appraise estate a whole day, - - - - - } o 2 o |
|                                  | For half a day, - - - - - } o 2 o                                            |
|                                  | When judgment is rendered by default in a County or Su- } o 9 o              |
|                                  | preme Court, - - - - - } o 16 o                                              |
|                                  | When judgment is rendered in litigated suits, - - - - - } o 2 o              |
|                                  | Attending any Justice's Court, for each action, - - - - - } o 3 o            |
|                                  | Witnesses for attending any Court, per day, - - - - - } o 2 o                |
|                                  | For attending a Justice's Court half a day, - - - - - } o 0 3                |
|                                  | Travel for Plaintiff or Defendant in any County or Su- } o 0 3               |
|                                  | preme Court, per mile, within this State, - - - - - } o 0 3                  |
|                                  | Travel of Witnesses per mile, - - - - - } o 3 o                              |
|                                  | Fees for freeholders summoned to assess the damages suf- } o 2 o             |
|                                  | tained in laying out high-ways, shall be for each free- } o 4 o              |
|                                  | holder per day, - - - - - } o 9 o                                            |
|                                  | For half a day, - - - - - } o 9 o                                            |
|                                  | The Sheriff attending on such freeholders, per day, - - - - - } o 9 o        |
|                                  | Jury for a Justice's Court, for each action tried, (in civil } o 9 o         |
|                                  | causes to be advanced by the party praying a Jury, } o 9 o                   |
|                                  | before the issuing a venire) - - - - - } o 9 o                               |
|                                  | Jury in case of forcible entry and detainer, such sum as shall } o 9 o       |
|                                  | be allowed by the Justices, according to the time in service. } o 9 o        |
|                                  | <i>Goalers Fees.</i>                                                         |
|                                  | For commitment of a prisoner, - - - - - o 2 o                                |
|                                  | For discharge of a prisoner, - - - - - o 2 o                                 |
|                                  | For dieting a prisoner per week, - - - - - o 5 o                             |
|                                  | <i>County Surveyor's Fees.</i>                                               |
|                                  | For himself and horse per day, besides expences, - - - - - o 6 o             |
|                                  | <i>Sheriffs and Constables assistants Fees.</i>                              |
|                                  | For each man who attends the Sheriff or Constable per day, o 4 o             |
|                                  | For half a day, - - - - - o 2 o                                              |
|                                  | <i>Grand Jurors Fees.</i>                                                    |
|                                  | For each day's attendance at the Supreme or County Court, } o 4 6            |
|                                  | for each Grand Juror, - - - - - } o 4 6                                      |
|                                  | For each mile's travel from their respective dwelling- } o 0 4               |
|                                  | houses to the Court, - - - - - } o 0 4                                       |
|                                  | <i>Fees for Agents to Congress.</i>                                          |
|                                  | For each day's service, (exclusive of expences) finding } o 10 o             |
|                                  | their own horses, - - - - - } o 10 o                                         |
|                                  | <i>Fees for Auditors of accounts.</i>                                        |
|                                  | For each day's service, they bearing their own expence, } o 10 o             |
|                                  | - - - - - } o 10 o                                                           |
|                                  | Each                                                                         |
| Fees for plaintiff or defendant. |                                                                              |
| Goalers fees.                    |                                                                              |
| County surveyor fees.            |                                                                              |
| Officers assistants fees.        |                                                                              |
| Grand jurors fees.               |                                                                              |
| Fees of agents to Congress.      |                                                                              |
| Auditors fees.                   |                                                                              |



Felonies.

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|                                                                                                                                                                                                       |   |   |   |   |   |   |                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---------------------------|
| Each mile's travel,                                                                                                                                                                                   | - | - | - | 0 | 0 | 4 |                           |
| Committee of Payable, each per day,                                                                                                                                                                   | - | - | - | 0 | 7 | 0 |                           |
| Travel per mile out,                                                                                                                                                                                  | - | - | - | 0 | 0 | 4 |                           |
| Collectors of taxes to be allowed the like fees as Sheriffs in cases of execution, where they levy on persons or estate, and one pound out of each fifty pounds collected and paid into the treasury. |   |   |   |   |   |   | Collectors of taxes fees. |

*Proprietors Collectors Fees.*

|                                                                                                                           |   |   |   |  |  |  |                                  |
|---------------------------------------------------------------------------------------------------------------------------|---|---|---|--|--|--|----------------------------------|
| Four pence per mile from his dwelling-house to the place of sale, to be equally divided among the delinquent proprietors. |   |   |   |  |  |  | Proprietors and collectors fees. |
| For attendance and sale of each delinquent proprietor's right,                                                            | 0 | 2 | 0 |  |  |  |                                  |
| For each deed and acknowledgment thereof,                                                                                 | 0 | 2 | 0 |  |  |  |                                  |
| For drawing and conveying an advertisement to both the Printing-Offices,                                                  | 0 | 6 | 0 |  |  |  |                                  |

*Impounders Fees.*

|                                                                                    |   |   |   |  |  |  |                  |
|------------------------------------------------------------------------------------|---|---|---|--|--|--|------------------|
| For all horse kind, and neat cattle, per head,                                     | 0 | 0 | 8 |  |  |  | Impounders fees. |
| For sheep per head,                                                                | 0 | 0 | 1 |  |  |  |                  |
| For swine per head,                                                                | 0 | 0 | 6 |  |  |  |                  |
| Three quarters whereof to the impounder, and one quarter to the keeper of the key. |   |   |   |  |  |  |                  |

An act for the punishment of divers capital and other Felonies.

Passed March 9, 1787.

**B**E it enacted by the General Assembly of the State of Vermont, That if any man or woman shall lie with any beast, by carnal copulation; such person shall be put to death, and the beast shall be slain and buried.

That if any man lieth with mankind, as he lieth with a woman, they both shall suffer death, except one of the parties were forced, or under fifteen years of age; in which case the party forced, or under the age aforesaid, shall not be liable to suffer said punishment.

That if any person shall bear false witness, wilfully, and of purpose to take away any man's life, such offender shall be put to death.

That if any person of the age of fourteen years or upwards, shall wilfully, and of purpose, burn any house, barn, or out-house, to the prejudice or hazard of any person's life, he shall suffer death. Or if no prejudice or hazard to any person's life happen thereby, he shall suffer such other severe punishment as the Supreme Court shall order, and make good all damages to the aggrieved party.

That if any person shall on purpose, and of malice prepenise, or by lying in wait, cut out or disable the tongue, or put out an eye or eyes, of any person, Cutting out the tongue, putting out an eye, &c.

so that he or she is thereby rendered blind, or shall cut off all or any of the privy members of any person, or shall be aiding or assisting therein, he shall suffer death.

Blasphemy.

That if any person shall wilfully blaspheme the name of God the Father, Son, or Holy Ghost; every person so offending, shall be punished by whipping, not exceeding forty stripes, on the naked body, and sitting in the pillory one hour; and may be bound to his good behaviour, at the discretion of the Supreme Court who shall have cognizance of the offence.

II.  
Murder.

And be it further enacted by the authority aforesaid, That every person who shall be convicted of the crime of Murder, or of the wilful killing of any person with malice prepense, or shall slay or kill any person by guile, either by poisoning, or other such detestable practices, shall suffer death.

Manslaughter.

And that every person who shall be convicted of Manslaughter, or the wilful killing of any person without malice prepense, shall forfeit to the public treasury of this State, all the goods and chattels which to him or her belonged at the time of committing said crime; and shall be further punished by whipping on the naked body, not exceeding forty stripes, and be burnt on the hand with the letter M, on a hot iron, and shall be forever disabled from giving evidence or verdict in any Court in this State.

Provide.

Provided nevertheless, That any person who, in the just and necessary defence of his life, or the life of any other, shall kill any person, attempting to rob or murder, in the field or highway, or to break into any house, shall be holden guiltless.

Prohibit.

And whereas many lewd women that have been delivered of bastard children, to avoid their shame, and to escape punishment, do secretly bury or conceal the death of their children, and after, if the children be found dead, the mother or mothers do frequently alledge the said children were born dead;—whereas it sometimes falleth out, (although hard it is to be proved) that the said child or children were murdered by their lewd mothers, or by their assent or procurement:

III.  
Murder of bastard children.

Be it further enacted by the authority aforesaid, That if any woman be delivered of any issue of her body, male or female, which if it were born alive would by law be a bastard, and she endeavour privately, either by drowning or secretly burying thereof, or any other way, either by herself, or the procurement of others, so to conceal the death thereof that it shall not be known whether it was born alive or not; in every such case, the mother, so offending, shall be accounted guilty of murder; and shall suffer death therefor, as in cases of murder; except such mother can make proof, by one witness at least, that such child was born dead.

IV.  
Burglary and robbery.

And be it further enacted by the authority aforesaid, That whosoever shall be guilty of Burglary, by breaking open any dwelling-house, or shop, wherein are deposited goods, wares, or merchandize, or shall commit Robbery, if a

Fences.

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the perpetration of said crimes the person or persons committing the same shall be guilty of any personal abuse or violence, or shall be so armed with any dangerous weapon as clearly to indicate their violent intentions; such persons found guilty as aforesaid, and being thereof convicted before the Supreme Court, shall suffer death.

And if upon the trial of any person for Burglary or Robbery, the commission thereof shall not appear to be attended with the aggravated circumstances of personal terror, force, and violence, as aforesaid, the person or persons, found guilty of the same, shall be punished with whipping on the naked body, not exceeding forty stripes, and with imprisonment in any of the goals or work-houses in this State, not exceeding ten years, at the discretion of the Supreme Court before whom the conviction is had; and if any person shall be convicted a second time of the offence of Burglary or Robbery, he shall be put to death.

Punishment  
when not attend-  
ed with terror,  
force & violence

An act respecting Fences.

Passed Feb. 27  
1787.

*WHEREAS, many difficulties have arisen by means of partition fences not being properly regulated: Therefore,*

Preamble.

**B**E it enacted by the General Assembly of the State of Vermont, That whenever any persons have improvements adjoining each other, the expence of making and maintaining a lawful fence shall be equally divided between them: and if they cannot agree to divide the same, it shall be divided by the Selectmen, or three indifferent freeholders, of such town where such land lieth, each paying their part of the expence of such division: and where it shall so happen that any person or persons shall make fence against the land of another, and the person against whose land the fence shall be made, shall improve against the same, he or she shall pay the person who built said fence for the one half thereof; to be appraised by the Selectmen, or by three indifferent freeholders, of the town where such land lieth. And if either of the parties or persons, whose improvements so adjoin each other, shall refuse or neglect to make or maintain his, her, or their proper part of said fence, having ten days notice, then the aggrieved party may enter complaint thereof to a Justice of the Peace, who is hereby directed to summon such delinquent or delinquents, to answer for his, her, or their neglect; and being found delinquent, shall grant execution thereon for cost and damage.

I.  
Division fences  
how to be main-  
tained.

Aggrieved party  
how remedied

And be it further enacted by the authority aforesaid, That no fence within this State shall be deemed lawful, unless it be four feet and an half high, well built with logs or rails, well staked boards, or other materials, or fence equivalent, or made of stones four feet in height.

II.  
What fences  
be lawful.

S

An



Passed Feb. 27.  
1787.

An act for the regulating Ferries and Ferriages within this State.

Preamble.

*WHEREAS, it has been found by experience, that great advantage has been taken, by ferrymen demanding unreasonable prices for their services. And whereas, this Assembly cannot so well distinguish between the several rivers and the several parts of the same river, pond, or lake, on account of distance, swiftness of water, number of travellers, &c.*

Therefore, to prevent such impositions for the future,

Magistrates, &c.  
to regulate fer-  
ries.

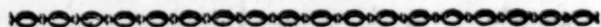
**B**E it enacted by the General Assembly of the State of Vermont; That the Magistrates, Selectmen, and Constables, of the several towns where ferries are needed, shall meet before the first day of August annually, at a time and place by them agreed on, and appoint proper persons and places for ferries, and provide suitable roads to and from the same; and further regulate the price thereof, according to the profits of such ferries, and price of labour; to be varied from time to time, as occasion shall require.

Two towns to  
meet.

And where two or more towns shall border on the same river, pond, or lake, opposite to each other, within this State, the Magistrates, Selectmen, and Constables, of such towns, shall meet together for the purposes, and by the time, aforesaid.

Penalty for  
transgression.

And if any person or persons shall transgress this act, by demanding any greater sum for ferriage than shall be stated by the authority aforesaid, he or they shall, for every such offence, forfeit the sum of fifteen shillings; one half to the informer who shall prosecute the same to effect, and the other half to the town treasury where such offence is committed; to be recovered by action of debt, before any Justice of the Peace in the county where such offence is committed.



Passed March 9.  
1787.

An act regulating the disposal of Fines and Penalties, and the payment of costs in case of Delinquencies.

I.  
Penalty for per-  
sons refusing to  
pay fines.

**B**E it enacted by the General Assembly of the State of Vermont, That every person who shall at any time be fined for the breach of any penal law, or for other just cause, shall forthwith pay such fine or penalty, or give in good and sufficient security speedily to do the same, or shall, by order of the Court or Justice imposing the same, be imprisoned, or bound out and kept in service until it be paid, or be liable to have his or her estate sold therefor.

II.  
What fines pay-  
able to the State.

And be it further enacted by the authority aforesaid, That all fines and penalties imposed on any person or persons by the Supreme Court, for any matter of delinquency, shall be paid and belong to the State treasury, for defraying the public.

Disposal of Fines.

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public charges of this State (except where the prosecution shall have been commenced in the County Court, in which case the fine or penalty shall be paid to the treasury of the county where the offence was committed).

And all fines and penalties imposed on any person or persons for any matter of delinquency, by any County Court within this State, shall be paid and belong to the treasury of the same county, to defray the charges of the County Court, and other county charges. To the county.

And all fines and penalties which shall by the judgment of any Justice of the Peace, be imposed on any person or persons, for any matter of delinquency, shall be paid and belong to the treasury of the town where such judgment shall be given. To the town.

*Provided always,* That where any such fines or penalties are or shall be otherwise ordered to be paid, by any express law of this State, they shall be disposed of according to the order of such law; any thing before in this act to the contrary notwithstanding. Provided.

*And be it further enacted by the authority aforesaid,* That the Clerks of the Supreme Court and several County Courts in this State, shall, on the first Monday in August annually, deliver to the Treasurer to whom any fines are by this act made payable, an abstract of all the fines imposed by the Courts to which they are respectively Clerks, the preceding year, and a minute of the officer's name, and place of abode, to whom execution therefor was delivered, or to whom the fine was paid. And each Justice of the Peace shall, on the first day of December annually, deliver an abstract of the fines by him imposed the preceding year, to the Treasurer of the town to which the fine shall be payable, with the like minute of the person to whom execution was delivered, or to whom the fine was paid, under the penalty of forfeiting a sum equal in value to the fine omitted to be accounted for; one half to him or them who will prosecute the same to effect, and the other half to the treasury where the fine is payable. III.  
Clerks to give an abstract of fines.

*And be it further enacted by the authority aforesaid,* That where any part of a penalty or forfeiture is or shall be given to any one who shall prosecute to effect, and no private person shall appear to prosecute therefor, and such prosecution shall be commenced for such penalty or forfeiture, on the complaint, information, or presentment of the State's Attorney, Grand Jurors, or other informing officers, the whole of such penalty or forfeiture shall be paid and belong to the treasury to which one part thereof would have belonged in case the same had been sued for by a common informer. Also Justices.

*And be it further enacted by the authority aforesaid,* That whensoever any person shall be complained of, indicted, or in any wise prosecuted, for any matter of delinquency, or of a criminal nature, by any other than a county or town informing officer, and such complaint or prosecution shall not be supported, the complainer shall pay the costs of suit to be taxed. IV.  
Where qui tam actions are brought, &c. how the penalty shall be disposed of.

And

V.  
Common informers to pay costs if complaint not supported.

Regulating Fisheries.

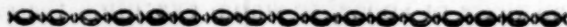
How costs are to be paid on the suit of an officer.

And whenever any person shall be complained of, indicted, or in any wise prosecuted, for any matter of delinquency, or of a criminal nature, by any county or town informing officer, and such complaint or prosecution shall not be supported, the person complained of shall pay costs of prosecution, in the discretion of the Court before whom the trial shall be had, if there shall appear a strong presumption to the said Court, that the person complained of is guilty of the offence charged against him; but if no such presumption shall appear, then such costs shall be paid out of the treasury into which the fine would have been paid had the delinquent been fined upon such prosecution.

VI.  
How costs to be paid on conviction of delinquent.

And be it further enacted by the authority aforesaid, That in all matters of delinquency, or of a criminal nature, where the person complained of or prosecuted shall be convicted, he shall pay the cost of such prosecution, and in case such criminal or delinquent shall not have estate to pay such cost, it shall and may be lawful for the Court or Justice before whom such conviction shall be had, to dispose of such person in service, so long a time as shall be necessary to procure money sufficient to answer the charges arising on such prosecution.

But if it shall so happen that such charges cannot be obtained out of the estate or service of any person so convicted, such charges shall be paid out of the treasury into which the fine ought by law to be paid.



Passed March 8,  
1787.

An act regulating Fisheries.

No obstruction to fish, &c.

**B**E it enacted by the General Assembly of the State of Vermont, That no wares, hedges, fish-garths, disturbances or incumbrances whatsoever, (except dams for necessary mills) shall be set, erected or made, on or across any river in this State.

Nuisances to be demolished.

And if any person or persons whatsoever, shall by wares, hedges, seins, or any other incumbrance, way, or means whatsoever, obstruct the natural or usual course or passage of the fish, in the spring or proper season of the year, up or down any river in this State, the same shall be deemed a common nuisance, and shall or may be pulled down, demolished, and removed as such, by any person or persons whatsoever.

Offenders to be prosecuted.

And upon complaint or information thereof made to a Justice of the Peace of the same county where such nuisance is erected as aforesaid, he shall grant a writ to the Sheriff or Constable, for bringing the person or persons alledged to be guilty of such nuisance before such authority, to be examined in the premises, and if convicted thereof, he or they shall forfeit a sum not exceeding four pounds; one half to the complainer or informer who shall prosecute the same to effect, the other half to the county treasury.

Authority to remove nuisance.

And the Justice before whom such conviction is had, shall thereupon command suitable assistance, at the cost and charges of the person or persons so convicted, to remove such nuisance.

And



Forcible Entry and Detainer.

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And if any person who shall pull down, remove or demolish, any such nuisance, shall be sued therefor, he may plead the general issue to such suit, and give this act in evidence.

Indemnity, &c.

An act directing proceedings against Forcible Entry and Detainer.

Passed Feb. 20,  
1787.

**B**E it enacted by the General Assembly of the State of Vermont, That upon complaint made to any one or more Justices of the Peace, of any Forcible Entry made into any houses, lands or tenements, lying within the county where such Justice or Justices reside; or of any wrongful Detainer of any houses, lands or tenements, by force or strong hand, that is to say, by or with such violent words or actions as have a natural tendency to affright and terrify; every such Justice or Justices, within convenient time, at the cost of the party aggrieved, shall (if need be) go to the place where the said force is, taking with him or them the Sheriff of the county, if necessary, to aid and assist said authority: and any of the people of the county shall attend the said Justice or Justices, to assist him or them to arrest such offenders, (when thereunto called) upon pain of imprisonment for a term not exceeding one month, and of paying a fine of twenty shillings to the Treasurer of the county. And that any two Justices shall have authority to enquire by oath, of the people of the same county, as well of them that make such forcible entry, as of them who hold and detain the same by force and strong hand: and if it be found on such enquiry, that a forcible entry hath been made into houses, lands or tenements, or that the same are held by force, then such Justices shall cause the same houses, lands or tenements to be releized, and the party to be put into possession thereof, who in such manner was put or held out of the same. And in such cases the said authority shall also tax a bill of cost against such persons as before them shall be convicted of forcible entry or detainer.

I.  
On complaint of forcible entry and detainer, the justice to view the force, taking with him assis-  
ants.

Two justices en-  
quire of the force,  
&c.

Costs to be taxed  
&c.

And in case the person complained of is found not guilty, costs shall be taxed against the complainant, and execution thereon granted.

*And to the end that inquiry may be made as aforesaid,*

*Be it enacted by the authority aforesaid,* That such Justices shall make out their warrant or precept, directed to the Sheriff of the same county, or his Deputy, commanding him, in the name of this State, to cause to come before them eighteen sufficient and indifferent persons, dwelling near unto the houses, lands, or tenements, so entered upon or held as aforesaid, whereof fourteen at least shall be sworn well and truly to inquire of such forcible entry or detainer, and to return a true verdict, according to law and evidence.

ff.  
Jury to be sworn  
mand.

And if the Sheriff shall make default in executing such warrant or precept, to him directed, he shall be fined or amerced the sum of five pounds, for every default:

Penalty for Sher-  
iff's default.

T

default:

## Forcible Entry and Detainer.

For jurors.

default: and every Juror, legally summoned, making his default by non-appearance, shall pay a fine of twenty shillings.

When Sheriff is related, &c. who he do the duty.

That when it shall so happen that the Sheriff is either a party, or stands in the relation of a father or son, by nature or marriage, or of a brother in the like kind, uncle or nephew, landlord or tenant, to either of the parties; either of the Constables of the town where the facts are said to be done, not being interested, or related as foresaid, shall have in those cases all the power and authority that the Sheriffs in this act are vested with; and shall be under the same regulations; and in case of default, liable to the same penalties.

Offenders to be fined, &c.

And that any Justices, holding such Court of Inquiry, may impose a fine on such offender, not exceeding twenty shillings, and demand bonds of such offender or offenders for their good behaviour, until the next County Court in that county, there to appear; and on such offenders refusing or neglecting to give such bonds, they may commit such offenders to prison, until he or they do comply with the judgment.

County court may increase the fine.

And if the offence be aggravated by any open breach of peace, the County Court may, on the cause coming before them by appeal, increase the fine according to the aggravation or circumstances of the offence.

All fines arising by virtue of this act, to be to and for the use of the county treasury.

Treble damages and costs to be recovered.

And the party aggrieved shall recover treble damages, and costs of suit, by action of trespass against the offender or offenders, if it be found by verdict, or in any other manner by due form of law, that he or they entered into his house, lands, or tenements, by force.

Provided.

*Provided always,* That nothing in the preceding part of this act shall extend to any person or persons who have had the occupation of any houses, lands, or tenements, for the space of three whole years next before the entering of such complaint: any thing in this act to the contrary notwithstanding.

III. Proceedings where possession is detained without force.

*And be it further enacted by the authority aforesaid,* That whenever any person shall wilfully and without force hold over any lands, houses, or tenements, after the determination of the time for which they were demised or let to him, or to the person under whom he claims, and after demand made in writing for delivering the possession thereof, by the person having right to the possession thereof, his agent or attorney; or whenever a lessee at will, or person in possession by abatement, intrusion, disseisin, or deforcement, after such demand as aforesaid, shall refuse or neglect to quit possession of the premises, upon complaint made thereof, in writing, and under oath, to two or more Justices of the Peace residing in the county where the premises do lie, the said Justices shall summon the party complained of, and proceed to hear, try, and determine the same, in like manner as in cases of forcible entry or detainer.

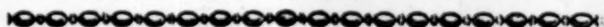
And if the said Justices shall, upon hearing the said complaint, find the same to be true, by the verdict of the Jury, they shall make a record thereof, and shall award the possession to the party to whom it of right belongs, and reasonable

able costs of suit; and shall issue their writ to cause him to be put into possession accordingly, and an execution for the costs recovered.

*Provided also,* That the third paragraph of this act shall not be construed to extend to any person who has or shall have continued in possession three years after the determination of the time for which the premises were let to him, or those under whom he claims, or after his or those under whom he claims, becoming possessed by abatement, intrusion, disseisin or deforcement, as aforesaid; any thing herein before contained to the contrary notwithstanding.

*And be it further enacted by the authority aforesaid,* That after such record made by the Justices as aforesaid, the said complainer, in an action upon the case by him to be brought for that purpose, shall not only recover a reasonable satisfaction for the use and occupation of such land, house or tenement, to the time when the notice in writing to depart the premises was given, but from such time to the time of his actual leaving the premises, shall recover treble damages and costs.

*Provided,* That whenever either party shall think himself aggrieved in the execution of this act, he shall be allowed an appeal to the next County Court of the county where the premises do lie, giving security as by law is directed.



An act for prolonging the time in which the Grantees of lands chartered by this State, are obliged to settle the same.

Passed March 9, 1787.

**B**E it enacted by the General Assembly of the State of Vermont, That no forfeitures of lands granted by this State, on account of nonperformance of the conditions mentioned in the charter, shall be taken until four years after the out lines of the town in which such land lies, have been or may be run by order of the Legislature.

When forfeiture of grants to be taken.



An act ascertaining the mode in which granting fees shall be assessed, and the charters given of lands granted by this State; and for the payment of such bills, specie or produce, as is or shall be due to the treasury of this State.

Passed March 9, 1787.

**WHEREAS** the sole right of granting lands, is, by the Constitution of this State, vested in this Assembly. Therefore,

Preamble.

**B**E it enacted by the General Assembly of the State of Vermont, That in all cases where grants have been heretofore made by the General Assembly of this State, and the granting fees have not already been assessed, and where grants shall in future be made, the same shall be assessed by the General Assembly, or a Committee appointed by them, previous to issuing any charters for said lands.

I. Granting fees to be assessed by the assembly.

And



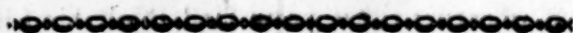
Regulating Goals and Goalers.

II  
When charter  
may be complet-  
ed.

And be it further enacted by the authority aforesaid, That the fees arising from all grants heretofore made, or to be made, and still due, shall be paid into the treasury of this State, in the same specie, bills or produce, as shall be directed by the General Assembly of this State: and that no charter or grant of such lands shall issue until the Treasurer of this State shall give his receipt for the whole amount of such specie, bills or produce, assessed as aforesaid: which receipt from the Treasurer, shall be lodged in the office of the Secretary of this State, before any such charter shall be completed.

III.  
Monies advanced  
by the State, how  
to be paid.

And be it further enacted by the authority aforesaid, That all such monies as have heretofore been issued out of the treasury of this State, for payment of any services, or provisions in the Surveyor General's department, in running of town lines, cutting of roads, or any other expences which by law is to be paid by the propriety, shall be paid into the treasury of this State in hard money only: and the Treasurer shall be accountable for the same to the Legislature.



Passed March 9,  
1787.

An act for regulating Goals and Goalers.

I.  
One goal to be  
kept in each  
county.

**B**E it enacted by the General Assembly of the State of Vermont, That there shall be kept and maintained in good and sufficient repair, a common goal, in every shire or county town in this State: the whole charge of building, when there shall be occasion, and of keeping such goal in repair, shall be defrayed by the county to which the same belongs, unless otherwise provided for: to be assessed on the inhabitants and estates within such county, in such manner as the General Assembly shall from time to time direct. And all and every person or persons whatever, that shall be committed to the common goal within any county within this State, by lawful authority, for any offence and misdemeanor, having means and ability thereunto, shall bear their own reasonable charges for conveying or sending them to said goal, and also the charge of such persons as shall be appointed to guard them thither, and their own support while in goal, before they are discharged: and the estate of such person or persons shall be subjected to the payment of such charge, and for want of estate he or they may be assigned in service, to answer the same, by the County Court in that county where such charge shall accrue.

State prisoners to  
bear their own  
charges.

Prisoners allowed  
to provide, &c.

That all prisoners shall be permitted to provide and send for their necessary food from whence they please, and use such bedding, linen, and other necessities, as they think fit, without their being purloined or detained: nor shall any keeper of any common goal, demand of any prisoner, any greater fees for his commitment, discharge, or chamber room, than what is allowed by law.

Penalty on goal-  
ers for abuse.

And if any keeper of a common goal shall do, or cause to be done, to any prisoner that is committed to his custody, any wrong or injury, contrary to the intent of this act, he shall pay treble damages to the party aggrieved, and such

Regulating Goals and Goalers.

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Such fine as the County Court of that county wherein the offence is committed, upon information or complaint to them made, shall think reasonable.

*And be it further enacted by the authority aforesaid,* That the County Courts, in their respective counties, shall have power, and they are hereby empowered, to set out liberties of yards to their respective goals; and any person committed for debt or damages, and for no other cause, on procuring sufficient bonds to indemnify the Sheriff, shall be admitted to the liberties of the goal yard.

II.  
County courts to set out yards to goals.

*And be it further enacted by the authority aforesaid,* That when any prisoner, committed to goal in a civil matter or action, shall not have estate sufficient for his maintenance, and will, by permission of authority herein after mentioned, take the following oath, viz.

III.  
Provision for ill behaving poor prisoners.

*YOU solemnly and sincerely swear by the name of the Ever Living God, without evasion, equivocation, or mental reservation, that you have not any estate, real or personal, in possession, remainder or reversion, to the value of five pounds in the whole, nor sufficient to pay the debt or damages for which you are imprisoned; and that you have not, directly or indirectly, disposed of all or any part of your estate, to defraud or deceive any of your creditors.*

Their oath.

The creditor or creditors shall provide for the relief of such prisoner; and all charges that such creditor or creditors shall be at in providing for such prisoner, shall be paid by the prisoner before he be discharged. And on application to two Justices of the Peace, one of whom shall be a Judge of the County Court of that county, or a Judge of the Supreme Court, they, or either of them, shall issue a citation to the creditor or creditors at whose suit the prisoner is committed, notifying him or them to appear before such Justices, at a time and place therein mentioned, and show cause, if any he have, why such prisoner shall not be liberated on his oath as aforesaid: which citation shall be served on such creditor or creditors, at least twenty days before the time appointed for appearance in such citation: and if any such creditor shall be out of this State, the citation may be served on the agent or attorney of such absent creditor. And it shall be the duty of such Justices carefully to examine, by witnesses or otherwise, into the circumstances and condition of such prisoner, before they admit him to his oath as aforesaid: and if said Justices shall allow such prisoner his oath, they shall make one certificate thereof for the prisoner, and another for the goaler. And the prisoner shall, unless the creditor or creditors do within twelve hours after such allowance, pay, and continue to pay, the goaler's fees for keeping and dieting such prisoner, be thereupon discharged, and his body shall thereafter be exempt from execution for the same debt or debts, but his estate, if any he shall have, shall be liable therefor.

Prisoners to be discharged unless, &c.

*And be it further enacted by the authority aforesaid,* That if any person admitted to the aforesaid oath, shall be convicted of false swearing therein, he shall

IV.  
Penalty for false swearing.

U

be

be liable to all the pains and penalties as in case of wilful and corrupt perjury, and shall take no benefit by this act.



Passed March 9,  
1787.

An act directing the laying out of Highways.

Preamble.

*WHEREAS it is frequently found necessary to lay out new highways, and to alter such as have been before laid, the better to accommodate the public.*

*Therefore,*

1.  
The selectmen  
empowered to lay  
out new, & alter  
old roads.

**B**E it enacted by the General Assembly of the State of Vermont, That where a new highway, or common road from town to town, or place to place, shall be found necessary, and where old highways may with more convenience be turned or altered, upon any person or persons making application to the Selectmen of the town where such highway or common road is wanted; they be, and are hereby empowered by themselves, or others whom they shall appoint, to lay out, or cause to be laid out, such road, and likewise private roads for such town only, where it shall be found necessary, so that no damage be done to any person or persons through whose land such road shall be laid, without due recompence from the town, as the Selectmen, and the parties interested, may agree: and if they shall not agree on the recompence to be made, the Selectmen, before they open such road, shall tender to the owner or owners of such land, so much money as they the Selectmen shall judge a meet recompence for the damage done by laying such road: and if the owner or owners shall not be satisfied with what the Selectmen tender by way of recompence, the owner or owners of such land may apply to any Justice of the Peace of the same county, who is hereby empowered to grant a summons to the Sheriff of the county, or his Deputy, to cause to appear before him, not more than seven, nor less than three freeholders, who being sworn, shall appraise the aforesaid damages; and such Justice shall make final order thereon: and if it be found there were no just grounds of complaint, the complainant shall pay all charges arising thereby.

Proceedings  
where selectmen  
& parties do not  
agree.

Freeholders refusing to serve.

And if any person being summoned to serve as aforesaid, shall refuse or neglect to attend, he shall forfeit and pay to the treasury of the town where such freeholder dwells, six shillings; to be recovered by action grounded on this statute.

What a lawful  
highway.

*Always provided,* That no highway in future shall be deemed a lawful highway, unless surveyed by chain and compass, and a survey thereof made out, entered and recorded, in the Town Clerk's office of the town where such road lies, (and for want thereof in the proprietors Clerk's office) ascertaining the breadth, the course and distance of such road.

Provide.

*Further provided,* That where there shall be sufficient allowance land in adjoining any lot through which such road shall be laid, the owner shall not be entitled to any damages, but such allowance land shall be set over by the said survey bill as aforesaid, to the owner of such lot in lieu of damages.



## Mending Highways.

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*And be it further enacted by the authority aforesaid,* That if on application of three or more freeholders of the town or vicinity where such road is wanted to be laid out, turned, or altered, the Selectmen shall refuse or neglect to lay out, turn, or alter such road, in that case it shall be lawful for those who shall think themselves aggrieved by such refusal or neglect, to apply to the County Court, by petition, for the laying out, turning, or altering of such road as aforesaid; which petition shall be signed by three or more freeholders of the same town or vicinity as aforesaid, and shall, together with a citation to appear and show cause why said petition should not be granted, be served on one or more of the Selectmen of such town, at least twelve days before the sitting of the Court: and the County Court shall have power to appoint a Committee of three indifferent freeholders from the adjoining towns, who shall view the premises, and if they shall find it necessary for the better accommodation of the public, as well as individuals, to lay out a new road, or to turn or alter one already laid out, according to the nature of the case, as set forth in said petition, they shall proceed to survey the same, as is in this act above directed: and where there is not sufficient allowance land as aforesaid, shall assess the damages done to the property of any land owner thereby, and return their doings to said Court; and the said Court, unless sufficient cause be shown to the contrary, shall establish such road as laid out by the aforesaid Committee, and make order to the Selectmen for the payment of the damages assessed as aforesaid, together with the attending costs and charges, out of the town treasury of such town: and if sufficient cause shall be shown why the petition should not be granted, the persons applying as aforesaid shall pay costs and charges.

II.  
Proceedings,  
when selectmen  
refuse to lay out  
a road.

*And be it further enacted by the authority aforesaid,* That where the aforesaid Committee shall find sufficient allowance land in or adjoining any lot through which such road shall be laid, the same shall be set over, as is in this act above directed.

III.  
Where there is  
allowance land it  
shall be set over.

*Always provided, and be it further enacted by the authority aforesaid,* That when any such road as aforesaid shall be laid through common or undivided lands, or lands belonging to any individual, in any town in this State, which shall be unimproved and uninclosed at the time of laying out such road, no damages shall be allowed therefor.

IV.  
except, &c.



An act for mending and clearing Highways.

Passed March 29  
1787.

*For the better mending and removing encroachments from the Highways,*

**B**E it enacted by the General Assembly of the State of Vermont, That there shall be to the amount of four days work to each male person from twenty-

I.  
Who to work on  
highways, &c.

one

Mending Highways.

one years of age to sixty, (excepting Ministers of the Gospel improved within their respective towns, the President, Tutors, and Students of Colleges for the time being, and annual Schoolmasters) for making and repairing Highways, in the following manner, viz. The Selectmen of each town shall make or assess a tax on the list of the polls and rateable estates of the inhabitants of each town, to the amount of four days to each person as aforesaid, at four shillings per day, and deliver the same, or a copy thereof, to each Surveyor within the respective towns, who shall warn the inhabitants of their respective towns to work at highways, to the amount of their rates respectively, between the fifteenth day of May and the first day of July, and between the fifteenth of September and the first day of November, annually.

The times.

Penalty for refusal or neglect.

And if any person or persons shall refuse or neglect to do their proportion of their respective rates, when warned as aforesaid, they shall forfeit and pay six shillings, lawful money, in lieu of every day so neglected, provided they have three days warning.

II.  
Proceedings  
against delinquents.

And be it further enacted by the authority aforesaid, That the several Surveyors of highways shall make return of all the persons so neglecting, their names and number of days, within six days after such neglect, to the next Justice of the Peace: and if the said person or persons do not within six days after such return, show sufficient reason why he or they did not comply with the order of such Surveyor, then the said Justice of the Peace shall grant his warrant against the goods or chattels of such delinquent or delinquents, directed to the Constable of the town where such delinquent dwells, to collect the forfeitures, together with additional costs, and deliver the same to the Surveyor of said district, to be by him laid out for the purpose of making, clearing, and repairing highways, as aforesaid; which goods or chattels shall be by said officer sold at public vendue, after having been posted at least ten days before such sale; and the overplus, if any there be, shall be returned to the owner or owners thereof.

Power of surveyors.

And that the Surveyors shall have power to order out such number of persons, as they shall think necessary, to mend the roads on any extraordinary occasion, at any time; and the pay thereof shall be deducted out of such persons rates who shall do labour.

III.  
Selectmen to set out districts.

And be it further enacted by the authority aforesaid, That the Selectmen of the several towns in this State (when and as often as it is found necessary) shall have power to divide and set out to each Surveyor by such town chosen, at the annual town meeting, their respective districts within said town, and order and direct which of the inhabitants by law obliged to work, shall labour under each Surveyor.

IV.  
Encroachments to be removed.

And be it further enacted by the authority aforesaid, That if any person or persons shall have enclosed any part of the highway, or erected any fence or other encroachment thereon, the Selectmen of the town where such offence is committed, are empowered to order such person or persons to remove such fence or encroachment,

Summoning Juries.

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encroachment, within such convenient time as to said Selectmen shall seem most convenient, not exceeding one month; and in case the said fence or other encroachment be not removed within the time limited by said Selectmen, giving notice as aforesaid, such Selectmen are hereby authorized and empowered to remove, or cause the same to be removed: and if the person or persons so offending as aforesaid, shall after such removal, again erect said fence or other encroachment on the said highway, or shall take in or enclose a greater or less quantity thereof, he or they shall forfeit the sum of two pounds for every such offence, one moiety thereof to the town treasury where the offence is committed, the other moiety to the said Selectmen, with just costs of prosecution: in which case no appeal or review shall be allowed.

Penalty for dis-  
bedience.

*And be it further enacted by the authority aforesaid,* That the several Surveyors of highways shall severally be accountable to the Selectmen of their respective towns, for all omissions of the duty enjoined upon them by this act, and shall be liable to pay all damages that may accrue to said town by their respective neglects.

Surveyors ac-  
countable.

*And whereas many persons are exempted from doing their proportion of labour on the highways for the first year of their residence in any town in this State, by reason of their moving in after the lists are taken in:* To prevent which,

Preamble

*Be it further enacted by the authority aforesaid,* That when and as often as any person shall move into this State to reside, after the list shall be taken as aforesaid, it shall and may be lawful for said Selectmen, in their respective towns, to assess each of such male persons at least four shillings in the Surveyor's bill as aforesaid.

VI.  
Selectmen shall  
assess those who  
move in after list  
taken.



An act for summoning Juries, and directing Grand Jurors in their duty.

Passed Feb. 27,  
1787.

**B**E it enacted by the General Assembly of the State of Vermont, That some convenient time before the sitting of each stated or adjourned Supreme and County Court, the Clerks of the respective County Courts shall issue precepts, directed to the Constables of the several towns within the county where such Courts are to sit, or to so many of them as shall appear to such Clerks necessary, to summon so many able freeholders as the precept shall direct, to serve as Petit Jurors at said Court, and to attend at eight o'clock in the morning of the second day of the sitting of such Court.

I.  
Who to summon  
petit jurors.

And when such Clerks shall be certified by the State's Attorney of the county where such Court is to sit, that a Grand Jury will be necessary, they shall also issue their precepts, directed as aforesaid, for summoning so many of the Grand Jurors elected by the several towns in such county, as to such

and grand jurors  
when necessary.

X

Clerks



Capital offenders  
to be tried on in-  
diction.

Clerks shall appear necessary, not exceeding twenty-four, nor less than thirteen, to appear on the first day of the sitting of such Court, at ten o'clock in the morning, to serve as Grand Jurors at said Court. And no person shall be held to trial, or put to plead to any complaint, indictment or accusation, for a capital offence, punishable with death, unless a bill of indictment be found against such person, for such crime, by a Grand Jury legally empannelled and sworn. And that no bill of indictment shall be presented by a Grand Jury, unless the same be agreed to by at least twelve of them.

Fine for constables  
not making  
return.

And the Constables shall make timely return of such precepts to the Court in which the Jurors are summoned to appear, with an endorsement thereon, certifying whom he has summoned for the purposes aforesaid, on pain of forfeiting to the State treasury, if the precept shall be returnable to the Supreme Court, and to the county treasury if returnable to the County Court, a fine not exceeding five pounds, at the discretion of the Court, unless such Constable shall seasonably make an excuse to the satisfaction of such Court.

Fine for jurors  
default.

And if any Juror, summoned as aforesaid, shall not appear according to the directions of such precept, and shall not render an excuse to the satisfaction of the Court before which he is summoned to appear, he shall pay a fine of thirty shillings, to the treasury of the State if the default shall be made in the Supreme Court, and to the treasury of the county if the default shall be in the County Court, and cost of prosecution.

II.  
Where there is a  
deficiency in the  
panel, how to  
be completed.

*Be it further enacted by the authority aforesaid,* That when it shall happen that a sufficient number of Jurors, summoned as aforesaid, do not appear, or if by reason of challenges, or other causes, there shall not be a sufficient number of Jurors to make up the panel or panels, the Court shall order the Sheriff, or other officer, to fill up the Jury or Juries by summoning a sufficient number of substantial freeholders of the vicinity. And when a special session of either of such Courts shall be held, (which the Chief Judge, or in his absence any two other Judges are hereby empowered to call, upon any extraordinary occasion) such officer, by direction of the Court, shall summon a sufficient number of Grand and Petit Jurors, to make up the panels: And in case a sufficient number of Grand and Petit Jurors cannot conveniently be had to make up the panels, the said Grand or Petit Juries shall be formed or made up in the same manner as is herein before directed in this act.

III.  
The power & du-  
ty of the foreman  
of grand jury.

*And be it further enacted by the authority aforesaid,* That after the Grand Jury are empannelled and sworn, they shall choose a foreman, who shall have power to swear all witnesses to testify before them, and who shall when the Grand Jury, or any twelve of them, find a bill of indictment to be supported by good and sufficient evidence, write thereon *A true Bill*. And when they do not find any bill to be supported by sufficient evidence, the foreman shall endorse thereon, *This Bill not found*, and the accused person shall be thereupon discharged.

And

## Summoning Juries.

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*And be it further enacted by the authority aforesaid,* That the parties, in all civil causes, may have right to agree that their causes shall be tried by the Court: And such causes as are to be determined by the Petit Jury, in any Court, shall be first tried.

IV.  
Parties may have  
their causes tried  
by the court.

*And be it further enacted by the authority aforesaid,* That whensoever it shall be necessary for a Jury to attend a Justice's Court, in matters of dispute, the parties may mutually agree on the Jury; and upon the refusal or neglect of either party, as also in criminal cases, or matters of delinquency, the following method shall be taken to procure and empanel a Jury, that is to say,

V.  
Mode of procu-  
ring a jury before  
a justice.

The Constable (or in case of his absence, or being related to either of the parties, or interested, any indifferent person to be appointed by the Justice) shall write the names of eighteen respectable freeholders of the vicinity, on eighteen distinct pieces of paper, of an equal size, and roll each piece up so that the name cannot be seen, and deliver them to the Justice, who shall put them into a box, and shaking it so that they shall mix together, shall draw out one; which person, so drawn, shall be one of the Jury, unless excepted against, or challenged by either of the parties; and so proceed until he has drawn six, who are not excepted against, or challenged; or in case the first twelve are challenged, or excepted against, and the parties do not agree to make choice as aforesaid, the last six shall be the Jury, and shall be summoned by the officer, being thereto required by the Justice.

And if any Juror drawn and summoned as aforesaid, to attend on a Justice's Court, shall not appear, or shall refuse to serve, he shall forfeit and pay a fine of ten shillings, and cost of suit, to the treasury of the town where the cause is to be tried, unless he shall render a sufficient excuse, to the satisfaction of the Justice before whom the default shall be made.

And when it shall happen that any of the six Jurors so drawn cannot be had, and the parties will not agree on a person or persons to fill such vacancy, the person doing the Constable's duty shall proceed to write the names of three times the number so wanting, on distinct pieces of paper, and deliver and draw as before-mentioned; and in that way fill such vacancy.

*Be it further enacted by the authority aforesaid,* That the Judges of any Court, or Justice of the Peace, before whom a cause may be depending, shall have power, if they judge that the Jury have mistaken the law or evidence material in the issue, or have not paid proper attention thereto, to cause them to return to a second and third consideration of the case, but no oftener.

VI.  
Court may return  
the jury.

And when the Court have committed any case to the consideration of the Jury, they shall be confined under the care of an officer appointed by the Court, and sworn for that purpose, until they have agreed on a verdict, or are discharged from giving a verdict by the Court or Justice.

Officer to take  
charge of jury.

*And be it further enacted by the authority aforesaid,* That all Grand Jurors shall diligently enquire after, and due presentment make, of all misdemeanors and breaches of law whereof they have cognizance, whether the same were committed.

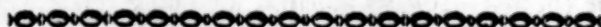
VII.  
Grand Jurors to  
present breaches  
of law.

Defining the powers of Justices.

committed before said Grand Jurors were chosen and sworn to said office, or afterwards; which presentment they shall seasonably make to the Court, or some Justice of the Peace, that the offenders may be dealt with according to law.

Penalty for omission.

And if any Grand Juror after he is sworn, shall neglect to make seasonable presentment of any breach of law whereof he hath cognizance, he shall pay a fine of twenty shillings to the treasury of the town in which he resides, and costs of suit.



Passed March 3, 1787.

An act defining the powers of Justices of the Peace within this State.

*FOR the better regulating the proceedings in Courts of Justices of the Peace,*

3.  
Justices jurisdiction in criminal matters.

**B**E it enacted by the General Assembly of the State of Vermont, That every Justice of the Peace, within his respective jurisdiction, be, and is hereby fully authorized and empowered, to hear, try and determine, all pleas and actions of a criminal nature, where the fines and forfeitures are within the sum of forty shillings, and the corporal punishment does not exceed ten stripes.

31.  
In civil causes.

*And be it further enacted by the authority aforesaid,* That every Justice of the Peace, within his proper sphere of jurisdiction as aforesaid, be, and is hereby fully authorized and empowered, to hear, try and determine, all pleas and actions of a civil nature, (other than actions of defamation, trespass upon the freehold, and where the title of land is concerned) where the debt or other matter in demand does not exceed the sum of four pounds; and also to determine as aforesaid, on all specialties, notes of hand, and settled accounts, not exceeding the sum of eight pounds; and to give judgment and award execution thereon accordingly.

31.  
May bind over.

*And be it further enacted by the authority aforesaid,* That every Justice of the Peace, within the limits of his authority, be, and is hereby, empowered to apprehend, or cause to be apprehended, and committed to prison, or bound over to be tried by the County or Supreme Court, all criminal offenders, the enormity of whose misdemeanors surpasses his power to try.

Provide.

*Provided,* That nothing herein before contained shall be construed to authorize any Justice of the Peace to take cognizance of any cause, where he shall be within either of the degrees of affinity or consanguinity to either of the parties, or shall be directly or indirectly interested in the cause or matter to be determined, unless where the parties otherwise agree.

IV.  
May issue process.

*And be it further enacted by the authority aforesaid,* That every Justice of the Peace, within his jurisdiction, may, on application, (as near as may be in the form prescribed by law) grant a summons, warrant, or attachment, as the case may require, directed to the Constable of the town where the defendant lives,



Defining the powers of Justices.

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lives, where the demand of the plaintiff doth not exceed the aforesaid sums, taking security for cost of prosecution, in cases where by law such security is required to be taken; which writ of summons shall be served by reading the same to the defendant, or by leaving an attested copy thereof at his, her, or their last and usual place of abode, at least six days before the time therein appointed for trial: and when the goods or estate of any person shall be attached, a copy of such attachment, and a list of the articles attached, attested by the person serving the same, shall be delivered to the defendant, or left at his or her dwelling house, or last and usual place of abode; and in case the defendant is not an inhabitant of this State, then such copy shall be left with his or her tenant, agent, or attorney, or for want thereof, at the place where such estate was attached, at least six days before the time appointed for trial.

The mode of service & time.

And if such officer cannot conveniently and seasonably be had to serve any such summons, warrant, attachment, or any execution issued by such Justice, the said Justice is hereby authorized to empower any suitable person to serve the same, by inserting on the back of such precept, and signing the following words, viz. *At the request and risque of the plaintiff, I authorize ——— to serve and return this precept*; and the person so authorized shall have all the powers of a Constable, in the service and return of such precept, and shall be sworn to the truth of the return by him made. And no such writ shall abate for want of form therein, or in the officer's return.

Justice may depu-  
tize persons.

And if any person or persons, so summoned, or whose estate shall be attached as aforesaid, shall neglect to appear, judgment shall be rendered by default against such defendant or defendants, for such sum as to such Justice shall appear just and reasonable, together with costs.

For non-appear-  
ance, judgment  
to be rendered.

And if any person shall cause process to be served on another for any matter or cause, and discontinue his suit, or be nonsuit, the Justice, before whom such process is returnable, shall give judgment for the defendant to recover reasonable costs.

For not prosecut-  
ing.

*Provided*, That where the plaintiff and defendant are inhabitants of this State, the suit shall be tried in the town where one of the parties reside, if there be a Justice of the Peace in the town where the plaintiff dwells who may lawfully try the cause; but if there shall be no such Justice in such town, the plaintiff may, at his election, bring his suit to be tried in a town adjoining to the town in which he lives, or in the town where the defendant lives; and when the plaintiff in any such suit shall not be an inhabitant of this State, such suit shall be tried in the town where the defendant dwells. But when it shall appear to the satisfaction of the Justice before whom any cause shall be depending, that the defendant was out of the State at the time of commencing such suit, and shall not have come within the same a sufficient time before the time appointed for trying the cause, to have appeared and had a trial, the said Justice shall continue such action for a time not exceeding one month; and if the defendant do not then appear, and be so remote that notice of said suit could not

*Provide.*  
Where the cause  
is to be tried.

Proceedings  
when defendant  
is absent from  
the State.

## Defining the powers of Justices.

probably be conveyed to him as aforesaid, (unless the plaintiff shall make it appear to the satisfaction of the said Justice, that the defendant had notice of the service of such process a sufficient time before the return thereof to have appeared at said Court and had a trial) then such Justice may continue said action for any further term, not exceeding one month. And in such cases, where judgment shall be entered up by default, (except where such notice as aforesaid shall be proved) execution shall not issue until the plaintiff shall have given bond, with one or more sureties, in double the value of the estate, or sum of money, recovered by such judgment, to refund and pay back such sum as shall be given in debt or damages, or so much as shall be recovered by writ of review, which may be brought within one year next after entering up the first judgment, if upon such suit the judgment shall be reversed or altered. And the plaintiff in review shall take the benefit of all pleas and advantages that he might have done upon the original suit. And the security aforesaid shall be no further answerable, than for the recovery that shall be made upon such suit, to be commenced within one year, as aforesaid.

V.  
Judgment to be a final settlement between the parties.

*And be it further enacted by the authority aforesaid,* That a judgment before a Justice shall be a final settlement of all mutual demands between the parties to that time, within the cognizance of the Justice; and the Justice is hereby empowered to render such judgment where the balance in favour of either party shall not exceed his jurisdiction as herein before described.

Provida.

*Provided nevertheless,* That if any defendant shall neglect on such trial to bring in his demand, for a mutual balance and offset, he shall have liberty to bring his action for the recovery thereof, within one year next after rendering such judgment; but the plaintiff shall recover no costs in such suit, although he make his plea good.

VI.  
Execution to be stayed 30 days.

*Be it further enacted by the authority aforesaid,* That in all cases where judgment shall be rendered by a Justice, execution shall be stayed thirty days after such judgment, and shall be returnable within sixty days after issuing thereof, unless the party recovering shall satisfy the Justice that he is in danger of losing his money by such delay, in which case execution may be granted immediately, returnable within ninety days from the issuing thereof.

VII.  
Judgment not to be reversed, &c.

*And be it further enacted by the authority aforesaid,* That no judgment rendered by any Justice of the Peace, shall be reversed by writ of error, or in any other way than is herein after provided; nor shall any appeal or review be allowed in the cause, except as is herein before provided.

VIII.  
Certiorari allowed.

*And be it further enacted by the authority aforesaid,* That any person who shall think him or herself aggrieved by the judgment or sentence of any Justice of the Peace, shall have liberty, on giving sufficient security, by way of recognizance, to prosecute to effect, to remove the cause by certiorari, to the next Supreme Court to be held in that county, there to be tried on the merits.

IX.  
Justices authorized to take confessions, &c.

*And be it further enacted by the authority aforesaid,* That any Justice of the Peace shall have full power, and they are hereby respectively authorized and empowered,

## Settling Disputes respecting landed Property.

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empowered, to take and accept a confession and acknowledgment of a ny debt, from a debtor to his creditor, either upon or without an antecedent process, as the parties shall agree; which confession shall be made only by the debtor himself in person: and of such confession so made, the Justice shall make a record, and shall grant out execution thereon, in due form of law.

And if any debtor shall tender such confession to a creditor, and the creditor shall refuse it, he shall not recover any costs that he shall be at after such tender in procuring judgment for his debt unless it appear that such tender was not for the sum due.

Debtors may tender confession.

*And be it further enacted by the authority aforesaid,* That when it shall happen that any Justice of the Peace shall remove from the county, in which he is or shall serve as a magistrate, such Justice shall before his removal from the county, deliver to the County Clerk of the same county, all his files and records as a Justice, on pain of forfeiting to the treasury of the county, the sum of five pounds, for each month's omission, to be computed from the time of such Justice's removal, and prosecuted to effect by the State's Attorney of the county: and when it shall happen that any Justice shall die, the executors or administrators of such Justice, whether he was in office at the time of his death or not, shall within the time limited for taking an inventory of such deceased's estate, deliver to the Clerk of the County Court as aforesaid, the files and records of such deceased, and on default thereof shall forfeit as aforesaid, to be recovered and applied as aforesaid: and attested copies of the said files and records made by the Clerk with whom they shall be lodged, shall be sufficient evidence in any Court in this State.

X.  
The records of justices dying or removing, to be delivered to the county clerk.

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An act for settling Disputes respecting landed Property.

Passed Oct. 27,
1785.

WHEREAS many persons have purchased supposed titles to land within this State, and have taken possession of such lands under such titles, and made large improvements on the same; and who having no legal title to such lands, must, if the strict rules of the common law be attended to, be turned off from their possessions made at great expence.

Preamble.

BE it enacted by the General Assembly of the State of Vermont, That when any person or persons, in the actual possession and improvement of lands to which he, she or they, so in possession, or those under whom they hold, had purchased a title, supposing at the time of purchase such title to be good in fee, and having in consequence of such purchase entered and made improvements upon such lands, shall be prosecuted before any Court, by action of ejectment, or any other real or possessory action, to final judgment, and judgment shall be given against such person or persons in possession as aforesaid, such

Y.
Persons in possession by supposed titles may recover for their improvements.

Settling Disputes respecting landed Property.

such person or persons as aforesaid, against whom judgment shall be finally given as aforesaid, shall have right by action to recover of the person or persons in whom the legal right shall be found by such judgment, the value of the improvements and betterments made on such lands by such possessor or possessors, or those under whom they hold.

Mode of process.

And the mode of process shall be, that the recoveree or recoverees in such action as aforesaid, shall within forty-eight hours after judgment, or during the sitting of said Court, file a declaration, in an action of the case, against the recoveror or recoverors, for so much money as the estate is made better as aforesaid, in the Clerk's office of the Court where such judgment was obtained, which shall be deemed a sufficient notice to the adverse party, to appear and defend in such action on the case, at the next session of said Court, whether stated or adjourned: and the Court, on motion made, shall order the writ of seisin or possession to be stayed until the last action aforesaid be determined; and the land recovered by such judgment shall be holden to respond the judgment, if any there be, in favor of the possessor or possessors, as fully as though the same had been attached by mean process: and if on trial it shall be found necessary that a view be had of the premises, to ascertain how much the estate is made better as aforesaid, the Court, on motion made by either party, may grant such view, and all the reasonable charges arising by such view shall be paid by the party moving for the same.

*M.
The jury directed*

And be it further enacted by the authority aforesaid, That the jury, in estimating the value of the improvements, shall assess the value of the lands as they were when the settlement was begun by the possessor or possessors, and shall also assess the value of such lands at the time of such assessment, as if the same were then uncultivated, and shall allow to the possessor or possessors the one half of what such lands have risen in value, and shall, in addition thereto, assess to the possessor or possessors the just value of making the improvements, with the buildings and other betterments made on such lands by the possessor or possessors, or those under whom they hold; and if any doubt shall arise respecting the quantity of such land to be estimated by the jury, it is hereby declared to be the duty of such jury to appraise the improvements and betterments on all the land described in such action.

*III.
Relief for persons
who have no co-
lour of title.*

And be it further enacted by the authority aforesaid, That when any person or persons who have entered and made improvements on lands to which he, she or they, had no such supposed title as aforesaid, shall be prosecuted before any Court, by action of ejectment, or other real or possessory action, and judgment shall be finally given against such possessor or possessors, he, she or they, shall have right to recover of the legal owner thereof, the value of his, her or their improvements, to be estimated in manner as aforesaid; excepting that such possessor or possessors shall have no allowance for the rise of the land, and the same manner of process shall be had, and the lands shall be holden to respond the judgment obtained by said possessor or possessors, as is before provided in this act.

Provided

Settling Disputes respecting landed Property.

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Provided always, and be it further enacted by the authority aforesaid, That this act shall not extend to any thing future, or to any person or persons who have taken possession of land to which they have no supposed title, after the first day of October, 1786, or to any person or persons who have taken possession of lands to which they have no legal title after the first day of July, 1785; and that no person who hath ousted the rightful owner, or gotten possession of any improved estate by ouster, (otherwise than by legal process) shall take any advantage or benefit by this act.

IV.
Provide.

Be it further enacted by the authority aforesaid, That if the plaintiff in the action of the case aforesaid, shall recover judgment in said action, no execution shall be granted in such case until the expiration of six months after said judgment is recovered; and the writ of seisin or possession shall be further stayed until the expiration of the said six months, unless the defendant in said action of the case, satisfy said judgment either to the plaintiff recovering such judgment, or by paying the full sum of damages and cost so recovered, into the hands of the Clerk of said Court, for the plaintiff's use; in which case the Clerk shall give a receipt for the sum so paid, and enter such judgment satisfied, and a writ of seisin or possession shall immediately issue.

V.
Execution not
granted for six
months.

Be it further enacted by the authority aforesaid, That the defendant in the declaration filed for damages as before-mentioned in this act, shall not be allowed to demur to said declaration after the second day of the sitting of the Court in which said action for damages is to be tried as aforesaid, and if judgment shall be given on demurrer in favor of the defendant, the plaintiff, within twenty-four hours after such judgment, or during the sitting of said Court, shall have full liberty to file another declaration for the purposes intended by this act; and a trial shall be had in said action as soon as may be after filing said last-mentioned declaration, and the writ of seisin or possession shall be stayed, and the land shall be holden to respond the judgment, as before is provided in this act.

VI.
When defendant
is to demur.

Be it further enacted by the authority aforesaid, That all actions commenced for the trial of the title of lands, or declarations filed for damages as aforesaid, shall be taken up in the same stage in which they were when the trial of them was suspended by the General Assembly in October 1783, and be prosecuted accordingly.

VII.
Actions formerly
suspended to be
taken up.

And be it further enacted by the authority aforesaid, That where any prosecution has been commenced before the passing of this act, by action of ejectment, or other real or possessory action, before any Court, against any person in possession as is before-mentioned in this act, and judgment has been rendered in favor of the plaintiff, whether such judgment be final or not, or whether writ of seisin or possession on such judgment has been issued or not, and whether such possessor or possessors shall have been put out of said possession or not, such writ of seisin or possession, if not executed, shall be stayed for the term of six months from the passing this act; in which time such possessor shall have

VIII.
Leave given to
former possessors
to file a bill on
payment of costs

Directing the form of passing Laws.

liberty (on paying to the plaintiff in such action of ejectment, or writ of right, all his just costs in such action, and giving him, or his attorney, twelve days notice in writing, when and where he will file a declaration for the purposes intended by this act) to file a declaration in an action of the case, with the Clerk of the Court in which the plaintiff's action of ejectment, or other real or possessory action, was first commenced, and shall have all the advantages intended by this act.

IX.
Proviso.

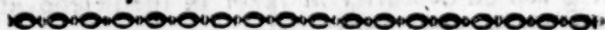
Provided always, and it is hereby enacted by the authority aforesaid, That this act shall not extend to any person or persons settled on lands granted or sequestered for public, pious, or charitable uses, nor to any person who has gotten the possession of lands by virtue of any contract made between him and the legal owner or owners thereof.

X.
Proviso.

Provided also, and be it further enacted by the authority aforesaid, That nothing in this act shall be construed to deprive any person of his remedy at law against his voucher.

XI.
Limitation.

Be it further enacted by the authority aforesaid; That no writ of right, or other real action, no action of ejectment, or other possessory action, of what name or nature soever, shall be sued, prosecuted or maintained, for the recovery of any lands, tenements or hereditaments, where the cause of action has accrued before the passing this act, unless such action be commenced within three years next after the first day of July, in the present year of our Lord one thousand seven hundred and eighty-five.



Publ Feb. 27.
1787.

An act directing the form of passing Laws.

I.
When a bill originates with the council.

BE it enacted by the General Assembly of the State of Vermont; That when the Governor and Council shall lay any bill before the General Assembly, and the same shall be passed by the Assembly without amendment, the Council shall be informed thereof by a written message, and the same shall be considered and recorded as a law of this State.

When with the Assembly.

That when a bill shall originate in, and be agreed to by the Assembly, it shall be sent to the Governor and Council for their revision and concurrence, or proposals of amendment; and if no amendment shall be by them proposed, within five days, or before the adjournment or rising of the Legislature, the said bill shall be returned to the Assembly, and passed into and recorded as a law, unless the passing of such bill shall be suspended by the Governor and Council: and if amendments shall be proposed to any bill, and the Assembly concur therein, the Council shall be informed thereof by a written message, and the said bill shall then be a law: but if all, or a part of the proposed amendments, shall not be concurred in by the Assembly, (the reasons for which amendments shall be given verbally, or in writing) the bill shall be returned

Proceedings in case of non concurrence to amendments.

Limitation of Actions.

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to the Council, and the reasons of such non-concurrence be given, either verbally, or in writing, that the Council may, if they shall think proper, proceed further thereon: and if the Council shall not within five days, or before the rising of the Legislature, propose further amendments which shall be agreed to by the Assembly, the said bill shall be returned to the Assembly, and considered and recorded as a law, unless suspended as aforesaid.

And be it further enacted by the authority aforesaid, That if it shall so happen that the Council and Assembly cannot separately agree on a bill when amendments shall be so proposed as aforesaid, they shall meet in Grand Committee, in order that the wisdom of both Houses may be properly obtained; after the dissolution of which Committee, the Assembly shall take them into consideration, and proceed as is above-mentioned.

And be it further enacted by the authority aforesaid, That all bills remaining with the Council at the rising or adjournment of the Legislature, at every sitting thereof, shall by the Council be delivered to the Secretary of the State.

11.
Bills to be delivered to the Secretary.



An act for the Limitation of Actions.

Passed March 29, 1787.

BE it enacted by the General Assembly of the State of Vermont, That no person shall be indicted, prosecuted, informed against, complained of, or compelled to answer before any Court or Justice of the Peace in this State, for the breach of any penal law, or for other crime or misdemeanor, by reason whereof a forfeiture belongs to any public treasury, unless the indictment, presentment, information, complaint, or declaration, be made and exhibited within one year after the offence is or shall be committed. And every such indictment, presentment, information, complaint, or declaration, that is not made and exhibited as aforesaid, within the time limited for the same as aforesaid, shall be void.

I.
Limitation of criminal actions.

Provided, That where a shorter time is or shall be limited by any penal statute, the prosecution shall be within the time so limited.

Provided

And whensoever any indictment, presentment, information, complaint, or declaration, shall be exhibited or drawn on any penal statute, the day, month and year of the exhibition thereof into any office, or to any officer, which may lawfully receive the same, or of signing the writ, without any antedate thereof, shall be truly marked on such process or proceeding, by the same officer, without any fee for the same; and the said process or proceeding shall be taken to be of record from that day forward and not before.

The time of such complaint to be marked thereon.

Provided always, That this act shall not extend to any capital offence, or theft, nor to any crime that may concern loss of member or banishment; any thing herein contained to the contrary notwithstanding.

Provided

II.
Limitation of
actions for land.

Be it further enacted by the authority aforesaid, That no writ of right, or other real action, no action of ejectment, or other possessory action, of what name or nature soever, shall hereafter be sued, prosecuted, or maintained, for recovery of any lands, tenements, or hereditaments, where the cause of action shall accrue after the passing this act, but within fifteen years next after the cause of action shall accrue to the plaintiff or demandant, or those under whom he or they claim; and that no person, having right or title of entry into any houses, lands, tenements, or hereditaments, shall hereafter thereinto enter, but within fifteen years after such right of entry shall accrue.

III.
Of personal ac-
tions.

And be it further enacted by the authority aforesaid, That all actions of covenant, trespass *quare clausum fregit*, detinue, actions *sur trover*, and replevin, all actions of account and upon the case, all actions of debt without specialty, all actions of assault, menace, battery, wounding, and imprisonment, or any of them, which shall be sued or brought, at any time after the end of the present session of Assembly, shall be commenced and sued within the times herein after expressed, viz. the said actions of covenant, actions upon the case, (other than for slander, and those brought on promissory notes) the said actions of account, the said actions for trespass, (other than for assault, menace, battery, wounding, and imprisonment) debt without specialty, detinue and replevin, and the said actions of trespass *quare clausum fregit*, within three years next after the passing hereof, or within six years next after the cause of such action or suits shall accrue, and not after; and the said actions of trespass, for assault, menace, battery, wounding, imprisonment, or any of them, and the said actions on the case for words, within one year after the cause of such suit or action shall accrue, and not after: and all actions of debt upon specialties, if executed before the passing of this act, within six years after the passing hereof, and if executed after the passing this act, within seventeen years after the cause of action shall accrue, and not after: and all actions upon promissory notes, within six years after the passing hereof, if executed before the passing of this act, or if executed after the passing hereof, within fourteen years after the cause of action shall accrue, and not after.

Provide.

Nevertheless, That if in any of the said actions or suits, judgment be given for the plaintiff, and the same be reversed for error, or a verdict pass for the plaintiff, and upon matter alledged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his writ, in such cases the plaintiff, his heirs, executors, or administrators, may commence a new action or suit, from time to time, within a year after such judgment reversed, or such judgment given against the plaintiff, and not after.

Provide.

Provided, That if any person that is or shall be entitled to any such action, as before mentioned, shall be at the time of such action accruing, within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or beyond the seas, such person shall be at liberty to bring the same actions within

such

Suppressing Lotteries.

Regulating Marriages.

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such times as are before limited, after their being of full age, dis-covert, of sane memory, at large, and returned from beyond sea.

An act for the suppressing of Lotteries.

Passed Feb. 23^d
1787.

BE it enacted by the General Assembly of the State of Vermont, That every person who shall presume, without special licence from the Legislature, to set up any lottery for the sale of goods, lands, or tenements, or to sell, put off, or vend, any lands, goods, monies, or other thing whatever, by way of lottery; or shall set up notifications to entice people to bring in and deposit their money or credit, for carrying on any such design, and shall be thereof convicted, shall forfeit and pay the value of the goods, monies, or other things so exposed or offered to sale; the one half to him who shall prosecute the same to effect, the other to the treasury of the county where the offence is committed.

Persons sitting
up Lotteries, to
forfeit, &c.

An act for regulating of Marriages, and for preventing and punishing Incest and incestuous Marriages.

Passed Feb. 23^d
1787.

FORASMUCH as the ordinance of marriage is honorable in all; and it being proper that the solemnization of it should be in such a decent and orderly manner, as will best contribute to the happiness of families, and peace of society:
Therefore,

Preamble.

BE it enacted by the General Assembly of the State of Vermont, That no person shall be joined in marriage before the intention of the parties has been published by the Minister, or Town Clerk, in some public meeting or meetings for religious purposes, in the town, society, or parish, where the parties do ordinarily reside; or such purpose or intention be posted, in fair writing, at some public place in each of the towns, there to stand so that it may be read, at least eight days before such marriage.

Intent of marriage to be published.

That no person whatsoever in this State, other than the Lieutenant-Governor, Justices of the Peace within their respective jurisdiction, or ordained Ministers of the Gospel within the town and society, (or in any other town within the same county, wherein there shall be no ordained Minister) wherein they respectively dwell, and while they continue in the exercise of the ministry, shall solemnize any marriage.

Who to marry persons

Nor shall any of the persons before mentioned presume to marry any man and woman, before he is certified that such intention of the parties has been published as aforesaid, or before such Magistrate or Minister is certified of the

Penalty for marrying persons not published.

A a

consent

consent of the parents or guardians, (if any there be) if either party be under age, on pain of forfeiting, for every offence, the sum of twenty pounds; one moiety to him or them who shall complain of and prosecute the same to effect, and the other moiety to the treasury of the county where the offence shall be committed.

Penalty for pulling down publication.

And if any person or persons, other than the persons intending marriage, or their legal guardians, shall presume to deface or pull down any such publication set up in writing as aforesaid, before the expiration of eight days after the time of its being set up; every such person or persons shall be fined the sum of forty shillings, or be set in the stocks one whole hour.

Register to be kept.

And every person herein before empowered to join persons in matrimony, shall keep a fair register of each marriage by them respectively solemnized, which may be given in evidence in any Court of record in this State.

II. Degrees of kindred prohibited to intermarry.

Be it further enacted by the authority aforesaid; That no man shall marry any woman within the degrees of kindred herein after named, that is to say, no man shall marry his grandfather's wife, wife's grandmother, father's sister, mother's sister, father's brother's wife, mother's brother's wife, wife's father's sister, wife's mother's sister, father's wife, wife's mother, daughter, wife's daughter, son's wife, sister, brother's wife, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter, brother's son's wife, sister's son's wife.

Marriages within the degrees void.

And if any man shall hereafter marry any woman, who is within the degrees before-mentioned in this act, every such marriage shall be, and is hereby declared to be, null and void. And all children which shall hereafter be born of such incestuous marriage, shall be forever disabled to inherit by descent.

Punishment for incest.

And that every man and woman who shall marry, or carnally know each other, being within any of the degrees before-mentioned in this act, or being so married, shall continue to dwell in the same house at any time after the space of forty days after the publication hereof, and be convicted thereof before the Supreme Court; such persons shall suffer the like punishment as is directed to be inflicted in case of adultery, except that instead of the letter *A* to be worn by an adulterer, the capital letter *I* shall be worn by such incestuous person.

Passed March 3, 1787.

An act regulating the Militia of the State of Vermont.

For regulating the militia of this State;

I. What persons constitute the militia.

BE it enacted by the General Assembly of the State of Vermont, That all male persons from sixteen years of age to forty-five, shall constitute the military force of this State, except members of the Council, members of the house of

Regulating the Militia.

of Representatives, and Delegates to the Congress of the United States for the time being, the State Treasurer and Secretary of State, Secretary of Council, Justices of the Peace, Judges of the Supreme and County Courts, Judges of the several probate districts, Auditors of the State, Field, Commissioned, and Staff officers, honorably discharged, Ministers of the Gospel, the President, Tutors and Students of colleges, allowed Physicians and Surgeons, Post officers, constant Schoolmasters, one Miller to each grist-mill, Sheriffs, Constables and Goalers, constant Ferry-men, persons disabled by lameness or other bodily infirmity, during the continuance of such disability, producing a certificate thereof from two able Physicians, to the acceptance of his or their commissioned officers.

Exemptions.

That the Governor of this State for the time being, shall be Captain-General and Commander in Chief, and the Lieutenant-Governor for the time being, shall be Lieutenant-General of and over all the military force of this State; and there shall be appointed agreeably to constitution, as may be necessary, one Major-General to the command of each division, to consist of two or more brigades, one Brigadier-General to the command of each brigade, to consist of two regiments or more, and one Colonel, one Lieutenant-Colonel, and one Major, to each regiment of infantry, to be commissioned by the Governor. And in every infantry company where there are forty rank and file, there shall be one Captain, one Lieutenant, one Ensign, four sergeants, four corporals, one drummer and one fifer; and where there are thirty-two rank and file, there shall be one Lieutenant, one Ensign, two sergeants, four corporals, one drummer and one fifer; and where there are but twenty-four rank and file, there shall be one Lieutenant, two sergeants, two corporals, one drummer and one fifer. And that to each regiment there may be two light-infantry companies, composed of such active young men as will voluntarily engage in such infantry company, and shall form on the flanks of the regiment, and be clothed in such uniform as the field officers of the regiment shall direct.

The general and field officers.

Officers proportioned to the privates.

Maybe two light infantry companies to a regiment.

That the companies thus constituted, shall have the privilege of choosing their officers; and each company so formed, shall have one or more parade assigned them by the Colonel or commanding officer of the regiment; and each company shall consist of one Captain, one Lieutenant, one Ensign, four sergeants, four corporals, one drummer, one fifer, and sixty-four rank and file. And that the noncommissioned officers and privates of each light infantry company thus composed, shall be exempted from any poll tax.

Their number.

That there may be one company of cavalry raised in each regiment, to consist of one Captain, one Lieutenant, one Cornet, one quartermaster, two sergeants, four corporals, two trumpeters, and thirty-six privates: that every light dragoon shall always be provided with a good serviceable horse not less than fourteen hands high, to the acceptance of the chief commissioned officer of the company to which he belongs, covered with a good saddle, with housings and other.

One company of cavalry to each regiment.

How to be equipped.

Regulating the Militia.

Penalty. other proper furniture, a bridle, and holsters with bear-skin caps, a case of good pistols, a sword or cutlafs not less than three and one half feet in length, and also a cap made of jirk leather, or other cover for the head, a flask or cartouch box, one pound of good powder, three pounds of sizeable bullets, eight flints, and a good pair of boots and spurs; on penalty of twenty shillings for want of such horse, and one shilling for want of either of such other articles in which he shall be deficient. And each commissioned officer, non-commissioned officer and private, who shall be provided and equipped as aforesaid, shall be exempted from any poll tax, and from paying any tax for one horse, being his own property.

A company of artillery. And there shall be one company of artillery to each brigade, to be composed of such active young men as shall engage for that purpose; which company shall consist of one Captain-Lieutenant, one Lieutenant, one Ensign, two sergeants, two corporals, two bombardiers, one drummer, one fifer, and eighteen matrosses: each commissioned officer to be armed with a sword or hanger, fuzee, bayonet, belt and cartouch box, to contain twelve cartridges; and each artillery man shall furnish himself at his own expence, with all the equipments of a private in the infantry, until proper ordnance and field artillery can be provided by the State, and shall be exempt from poll tax, the same as companies of light infantry are.

Their post. And that each company of artillery shall be annexed to such regiment in the brigade to which they respectively belong, as shall be found most convenient by the Brigadier-General, or officer commanding the brigade, and shall take post on the right of the regiment to which they are annexed, and the troop of horse, belonging to the regiment whereto the company of artillery is annexed, in that case shall take post on the left.

Artillery and cavalry subject to the orders of the colonel. And the companies of artillery and cavalry so arranged, shall be subject to the Colonel or commanding officer of such regiment in all respects, except that the company of cavalry shall not be liable to be called out but twice in one year, except in cases of alarm: and that the company of artillery shall be subject to the same order of discipline as the companies of light infantry are in their respective regiments.

Militia to be enrolled. And that every able-bodied male person, being a citizen of this State, or of any of the United States and residing in this State, except such persons as are heretofore exempted, and who are of the age of sixteen, and under the age of forty-five years, shall by the Captain or commanding officer of the beat in which such citizen shall reside, within four months after the passing of this act, be enrolled in the company of such beat: that every Captain, or commanding officer of a company, shall also enrol every citizen as aforesaid who shall from time to time arrive at the age of sixteen years, or come to reside within his beat, and without delay notify such enrolment to such citizen so enrolled, by such noncommissioned officer of the company, who shall be a competent witness to prove such notice. That all disputes which may happen with respect to

Captain to determine dispute.

Regulating the Militia.

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to the age, abilities, deficiencies, or neglect of duty, of any person to bear arms, shall be determined by the Captain or commanding officer of the company, with a right to appeal by the person who may conceive himself aggrieved, or any other person belonging to the company, to the Colonel or commanding officer of the regiment.

And every citizen, so enrolled and notified, shall within nine months thereafter, provide himself, at his own expence, with a good musket or firelock, with a priming wire and brush, a sufficient bayonet and belt, with a cartouch box, with three pounds of lead bullets suitable to the bore of his musket or firelock, a good horn containing one pound of good powder, and four spare flints; and shall appear so armed, accoutred and provided, when called out to exercise or duty, if thereto required.

Provided nevertheless, That when it shall appear to the commissioned officer of any company of infantry, by and with the advice of the Selectmen of the town where such company belongs, that any soldier so enrolled, and to be equipped as aforesaid, shall be unable to provide himself with arms and accoutrements agreeably to the tenor of this act, that he shall be provided at the expence of the town where such soldier belongs: and that such soldier, so provided with arms and accoutrements, shall be accountable to the Selectmen for the same. And that the commissioned officers shall be respectively armed with a sword or hanger.

And be it further enacted by the authority aforesaid, That all fines arising from offences or deficiencies of any noncommissioned officer or private, belonging to any company or squad of infantry, artillery, or cavalry, refusing or neglecting when called out, shall be adjudged of, and imposed by, the commissioned officers of the company, or the major part of them, and be levied, with costs not exceeding three shillings, by warrant from the Captain or commanding officer of the company, directed to the orderly sergeant of the company to whom such delinquent belongs, by distress and sale of the goods and chattels of such offenders respectively: and in case any such defaulter shall be under age, and live with his father or mother, or shall be an apprentice or servant, the master or mistress, father or mother, as the case may be, shall be liable to pay the said fine, with cost; and in default of payment, the said sergeant shall levy the same upon the goods or chattels of such father, mother, master, or mistress: such fines, when received, to be paid by the orderly sergeant to the officer granting such warrant, whose duty it shall be to account for the same in providing colours, drums, fires, or other uses of the company, at the direction of the commissioned officers of the company, and always to be under the inspection of the Colonel or commanding officer of the regiment.

That if any commissioned officer shall give up his commission without leave from the Brigadier, or commanding officer of the brigade; or if any noncommissioned officer shall give up his warrant without leave from the Colonel, or

Equipments of militia.

Provided

Officers armed

Fines,

how imposed collected,

and disposed of

Officers giving up commissions without leave,

Regulating the Militia.

commanding officer of the regiment to which he belongs; every such commissioned or noncommissioned officer shall be reduced to the ranks.

One Adjutant-General to be appointed.

That there shall be, from time to time, (as may be necessary) appointed by warrant from the Captain-General, one Adjutant-General over the whole militia of this State, who shall have rank as a Lieutenant-Colonel; whose duty it shall be to distribute all orders from the Commander in Chief to the several corps, to furnish blank forms of different returns that may be required, and explain the principle on which they should be made. And there may be appointed by each Major-General two Aid-de-Camps, who shall have rank as Majors in the line: and one Brigade-Major, in each brigade, in like manner, by the respective Brigadier-Generals, to rank as a Captain in the line: and one Adjutant in each regiment, in like manner, by the commanding officers respectively, to rank as Lieutenant; whose duty it shall be carefully and diligently to collect; and truly make up, all returns in their several limits, at the times, and according to the form or forms that may be ordered, and to execute such legal orders as may be enjoined on them by their superior officers. And the commanding officers of regiments shall also, in like manner, appoint one

Aid de-Camps.

Brigade-majors.

Adjutants.

Paymasters and quartermasters, Surgeons, &c.

paymaster, and one quartermaster, to their respective regiments; and also one surgeon, and one mate; and from the list of sergeants, drummers, and fliers, shall appoint one sergeant-major, one quartermaster-sergeant, one drum-major, and one fife-major: and the commanding officers of companies shall be at liberty to appoint, from the list of sergeants, one orderly-sergeant; which several officers shall be liable to be displaced for misdemeanor, or neglect of duty, by the officers granting such warrants, or their successors in office.

Orderly sergeant's

Oath of orderly-sergeant.

That every orderly-sergeant of the respective companies of infantry, cavalry, or artillery, shall take the following oath, *v. z.* *You swear truly to perform the office of orderly sergeant, to the utmost of your skill and abilities, in all things appertaining to the office of orderly sergeant, according to law. So help you God.* While duty it shall be, to call over the roll of the company on days of viewing of arms and training days, and note the defects of individuals, by their absence, or otherwise, and to execute all legal warrants to him directed by his superior officers, for the levying any fine or fines on delinquents, with the necessary charges arising thereon; which he is, by virtue of said warrant, as fully empowered to do, as Constables in civil cases are. That every orderly-sergeant of the infantry, cavalry, or artillery, shall take an exact list of officers, non-commissioned officers, or soldiers, belonging to the company to which such orderly-sergeant belongs, once in every year, *viz.* on the first Tuesday of May, and oftener if thereunto required by the commanding officer of the company to which he belongs, agreeably to such order as he shall receive, and the same transmit to the commanding officer of said company, whose duty it shall be to inspect, certify, and transmit the same to the adjutant of the regiment to which he belongs, by the twentieth day of May annually; which adjutant, when having received the returns of each company in the regiment, shall make up a

His duty.

Captain, adjutant, &c. to make returns.

similar

Regulating the Militia.

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similar return of the state of the whole regiment, as the case may be, and attest the same; and it being accepted, approved, and certified, by the commanding officer of the regiment, shall be transmitted to the Brigade-Major, by the first day of June annually; and the Brigade-Major, from the returns of the several regiments, shall make up a similar return of the strength of the whole brigade; which being by him attested, examined, approved and certified by the Brigadier-General, shall be transmitted to the Adjutant-General, by the first day of August annually, and by him formed into a general return of the military force of this State; which being by him attested, shall be transmitted to the Captain-General, to be by him laid before the General Assembly, at such time as he, by the advice of the Council, shall think proper.

That the Commander in Chief for the time being, shall arrange the whole of the militia into divisions, brigades and regiments, and may, from time to time, make such alterations as he shall think fit: and that each Colonel or commanding officer of a regiment, shall have power by regimental orders, to arrange his regiment into companies, and after such arrangements, from time to time, as he shall think proper.

The governor,
&c. to arrange
the militia.

That each Brigade-major shall be an inspector to said brigade, to attend the regimental parade, and shall then and there inspect their arms, ammunition and accoutrements, superintend their exercise and manœuvres, and introduce a proper system of military discipline throughout his brigade, agreeable to such orders as he may from time to time receive from the Adjutant-General.

Brigade majors
inspectors of their
brigades.

That the militia of this State shall rendezvous twice in every year, on the first Tuesday of May, and on the first Tuesday of October, annually, for the purpose of training, disciplining, viewing arms, and other martial exercise, by companies, in their respective beats, and by regiments once in four years, or oftener, as the Brigadier shall order or direct.

Militia to ren-
dezvous twice a
year.

That the light infantry companies shall appear six times in every year, three times by companies in their respective beats, and three times in squads, as the Colonel or commanding officer of the regiment shall direct.

Light infantry
companies to ap-
pear six times a
year.

That commanding officers of brigades may, as often as they think proper, require the attendance of any or all the field officers under their command, at such time and place as they shall appoint, to confer with them on the subject of better ordering of military affairs, and promoting military skill and discipline in the said brigades: and the commanding officers of regiments shall be vested with like power, and for like purposes, to call together in like manner, any or all the commissioned officers of their respective regiments, and the field officers of regiments are hereby empowered and directed to dignify the several companies in their respective regiments, and also to divide said companies, as they may with the advice of the commissioned officers of the companies proposed to be divided, from time to time judge expedient, agreeable to the provision of this act.

Brigadiers and
colonels may re-
quire the attend-
ance of field offi-
cers.

Who to dignify
companies.

That

Regulating the Militia.

General court-Martial.

That a General Court-Martial which may be appointed by any officers commanding brigades, shall consist of thirteen commissioned officers, who shall appoint their Judge Advocate; which Judge Advocate so appointed, shall tender to each member, and each member is hereby required to take the following oath; *You — do swear, that you will well and truly try, and determine according to evidence, the matter depending between the freemen of the State of Vermont, and the prisoner or prisoners to be tried: and you do further swear, that you will not divulge the sentence of the Court until the same shall be approved of pursuant to an act, entitled, An act regulating the militia of the State of Vermont; neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof by a Court of Justice, in a due course of law. So help you God.*

Oath of judge advocate.

And the President is hereby authorized to tender to the Judge Advocate, who is hereby enjoined to take the following oath; *You — do swear that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court-Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of law, and that you will not divulge the sentence of this Court until the same shall be approved, pursuant to an act, entitled, An act regulating the militia of the State of Vermont. So help you God.*

Officers convicted of neglect of duty.

And that every commissioned officer who shall be convicted by General Court-Martial, of having refused or neglected to perform any of the duties of his office, shall be punished according to the degree and nature of his offence: provided no fine shall exceed ten pounds for the first offence, nor exceed fifty pounds for every subsequent offence: which fine shall be levied and collected by warrant under the hand and seal of the commanding officer of the brigade, directed to the adjutant of the regiment where such officer shall belong, in like manner as the fines herein after mentioned to be received of noncommissioned officers and privates for neglect or refusal of duty; which fines so collected, shall be paid into the hands of the officer granting the same, whose duty it shall be to appropriate the same for the use of the regiment where such delinquent shall belong, in the providing colours, drums, &c. for the use of such regiment.

Officers behaving &c. to be cashiered.

And whatsoever officer shall be convicted before a Court-Martial of behaving in a scandalous infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be cashiered.

Brigade court-martial.

That the commanding officers of brigades may order Court-Martials for the trial of officers in his brigade, the members of which shall be warned by the Brigade-Major, who is to keep a roster for that purpose: that the proceedings and sentence of every Court-Martial shall be in writing, signed by the President thereof; and that all proceedings and sentences when any officer shall be cashiered, shall by the President be delivered to the commanding officer of the brigade,

Sentences to be in writing, and approved in orders.

Regulating the Militia.

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brigade, to be by him transmitted to the Commander in Chief, who shall approve or disapprove of the same in orders: and that all other proceedings and sentences of brigade Courts-Martial, shall be delivered to the commanding officer of the brigade, who shall approve or disapprove of the same in orders.

That a Court-Martial for the trial of general officers, shall be ordered by the Commander in Chief, and composed of general and field officers, who shall be warned to that duty by the Adjutant-General from a roster to be by him kept for that purpose, that the proceedings and sentences of such Courts-Martial shall be transmitted by the President to the Commander in Chief, who shall confirm or disapprove of the same in general orders: provided that no sentence of a Court-Martial on a general officer go further than a removal from office: That all sentences of Courts-Martial by which any officer shall be removed, and which shall be approved by the Commander in Chief, shall by him, from time to time, be laid before the Council, to the end that the person administering the government of this State for the time being, by and with the advice of Council, may appoint others instead of the officers so removed from office.

Courts martial
for the trial of
general officers.

Only to remove
from office.

That every noncommissioned officer or private, who shall refuse or neglect to appear when warned, in pursuance of this act, without sufficient excuse, shall for every day he neglects to appear at the regimental parade, forfeit the sum of six shillings; and shall for every day he neglects to appear on the company parade, forfeit the sum of four shillings; and for every day's neglect to appear on the parade assigned for the different squads for the convenience of exercise, shall pay the sum of three shillings; and if he shall not be armed and equipped according to the directions of this act, when so appearing (without sufficient excuse) he shall for every deficiency, forfeit the sum of six pence, and appearing without a musket or firelock, the sum of three shillings.

Fines of noncom-
missioned officers
& privates for
non appearance.

That all persons being of the people called Quakers, who would otherwise be subject to military duties by virtue of this act, and who shall refuse to perform military service, shall be exempted therefrom in time of peace.

Quakers exempted.

That all commanding officers of companies shall have power to appoint two days annually for the purpose of military exercise, exclusive of the two days for the purpose of mustering; provided they shall not have power to call them out in either of the three summer months; and the companies shall have three days warning for all musters and trainings; which warning shall be given by an order from the commanding officer of the company, to any noncommissioned officer of the company, or in any other way agreed on by the company; and every soldier warned as aforesaid, shall give his attendance at any time and place appointed, complete in arms for military exercise, and dressed in a soldier like manner, and for nonappearance, disobedience, or delinquency in arms, shall be liable to the same fines and penalties as are directed by this act for nonappearance, disobedience, or deficiency on days for company musters; to be collected and disposed of as heretofore directed by this act.

Captains to ap-
point two days
yearly, for must-
ering.

The warnings.

Penalty for non-
appearance.

C c

That

Regulating the Militia.

When an invasion happens, brigadiers or colonels to order out the militia, and give notice to superior officers.

That it shall and may be lawful to and for any Brigadier-General, or commanding officer of a regiment, when and as often as any invasion may happen, to order out the militia under his respective command, for the defence of this State; giving notice of such invasion, and every circumstance attending the same, as early as possible, to their immediate commanding officer, by whom such information shall be transmitted, with the utmost expedition, to the Commander in Chief. And that in case of insurrections, the commanding officer of the regiment within the limits of which any such insurrection may happen, shall immediately assemble his regiment, or such part thereof as to him may appear necessary, under arms, and having transmitted information thereof to the commanding officer of the brigade, and to the Commander in Chief, shall proceed to take such measures to suppress such insurrection, as to any three Judges or Justices of the Peace in and for the county where such insurrection shall happen, may appear most proper and effectual. And if any person be wounded, or disabled, while in actual service, in opposing any invasion or insurrection, or in suppressing the same, he shall be taken care of and provided for at the public expence, without having any regard to the rank such person may hold.

Commissary of stores to be appointed.

And that it may and shall be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the Council, to appoint a Commissary of military stores, who shall be allowed an adequate reward for his service: and such Commissary shall have the charge and keeping of the ordnance and military stores of this State, subject to such order and instruction in the execution of his duty, as he shall receive from the Commander in Chief.

Penalty for disobeying orders.

And that every noncommissioned officer and private, who shall neglect or refuse to obey the order of his superior officer while under arms, shall forfeit for every such offence, a sum not exceeding ten shillings: and if any such noncommissioned officer or private, enrolled to serve in either of the companies of artillery, cavalry, or infantry, shall refuse or neglect to perform such military duty or exercise as he shall be required to perform, or shall desert from his colours, or guard, without the permission of his superior officer as aforesaid, he shall suffer such fine as shall be inflicted by a Court-Martial, as the nature of the case may require, not exceeding twelve shillings.

III.
Spectators intruding.

And be it further enacted by the authority aforesaid, That no person or persons, when spectators at any review, muster, or training, shall be allowed to stand on or occupy the ground, within twenty yards of any regiment, troop of horse, company, or squad, when manœuvring; and the officer commanding such regiment, troop, company, or squad, shall have a right, by a regular guard, to remove any such person or persons off the ground or parade that he wishes to occupy for martial exercise.

Persons formerly officers exempted

That all persons who have heretofore been commissioned or noncommissioned officers, in the line of the army of the United States, or in the militia of this or either of the United States, and have been lawfully discharged, shall be,

be, and hereby are, exempted from serving in the militia of this State, excepting only that when any of the above said commissioned or noncommissioned officers be duly required to serve in the militia of this State, in the rank formerly sustained by said officer, or a higher rank, and shall neglect or refuse to serve as aforesaid, he shall be liable to do duty as a private, in the militia of this State: any thing in this act to the contrary notwithstanding.

Be it further enacted by the authority aforesaid, That the several acts, or parts of acts, heretofore passed, regulating the militia of this State, be, and hereby are, repealed.

17:
Former acts re-
pealed.

An act regulating Mills and Millers.

Passed March 23,
1787.

BE it enacted by the General Assembly of the State of Vermont, That each miller, or owner of any gristmill, in this State, shall be allowed two quarts out of each bushel of Indian corn he grinds, and for English grain two quarts out of each bushel and one pint for boulding; except malt, out of each bushel of which he shall have one quart, and no more.

Millers toll.

And if any miller shall take or receive any greater toll for grinding than is herein before allowed, he shall forfeit and pay twenty shillings, on each conviction of the breach of this act; one moiety whereof shall be to the complainer who shall prosecute the same to effect, and the other moiety to the treasury of the town where such offence shall be committed.

Penalty for tak-
ing more.

And there shall be provided for every gristmill within this State, by the owners of such mills, sealed measures, viz. one of a pint, one of a quart, one of two quarts, and one of three quarts, for their toll measures, with an instrument to strike the said measure, which shall be stricken, when toll is taken of any grain brought to such mills to be ground, stricken measure.

Sealed measures
to be provided.

An act regulating the trial of persons, who, on being arraigned for crimes against the State, shall stand mute.

Passed Feb. 23,
1787.

WHEREAS, the judgment directed by the common law, in case of a prisoner's refusing to plead, is marked by circumstances manifestly repugnant to that spirit of humanity, which should ever distinguish a free, civilized, and Christian people. Wherefore,

Preamble

BE it enacted by the General Assembly of the State of Vermont, That in all criminal cases, where the party indicted or complained of shall, on being arraigned, obstinately refuse to plead and be tried in due course of law, such standing mute shall be adjudged to amount to, and be, a proper traverse or denial.

Criminal stand-
ing mute, to be
construed a tra-
verse.

denial of the facts charged in the indictment or complaint : and the trial shall thereupon proceed in like manner, and the same judgment shall be given against the said party, if found guilty, as if he, she, or they had, on being arraigned, duly plead, and in proper form respectively put themselves on their trial.

Passed March 9,
1787.

An act directing what Money shall be a legal currency in this State, and at what rate the same shall pass.

Weight of coins.

BE it enacted by the General Assembly of the State of Vermont, That all genuine coined gold, silver, and copper, shall be legal money in this State, and shall pass as follows, viz. all gold coin, of the fineness of a half-johannes, at the rate of five shillings and four pence a penny weight : silver coin, estimating the silver Spanish milled dollar, weighing not less than seventeen penny weight and six grains, at six shillings each ; and all other silver coins in proportion thereto, according to its weight and fineness : and all genuine coined coppers, three of which weigh not less than one ounce, shall pass for two pence.

Passed Oct. 30,
1786.

An act to prevent the sale and transportation of Negroes and Molattoes out of this State.

Preamble.

WHEREAS, by the constitution of this State, all the subjects of this Commonwealth, of whatever colour, are equally entitled to the inestimable blessings of freedom, unless they have forfeited the same by the commission of some crime : and the idea of slavery is expressly and totally exploded from our free government. And whereas, instances have happened of former owners of Negroes in this Commonwealth, making sale of such persons as slaves, notwithstanding their being liberated by the constitution ; and attempts have been made to transport such persons to foreign parts, in open violation of the laws of the land.

Penalty for selling subjects of this State.

BE it therefore enacted by the General Assembly of the State of Vermont, That if any person shall hereafter make sale of any subject of this State, or shall convey, or attempt to convey, any subject out of this State, with intent to hold or sell such person as a slave ; every person so offending, and convicted thereof, shall forfeit and pay to the person injured for such offence, the sum of one hundred pounds, and cost of suit ; to be recovered by action of debt, complaint or information.

Passed March 9,
1787.

An act to prevent falling Trees into Creeks and Rivers.

Preamble.

WHEREAS mills and bridges standing on the creeks and rivers in this State, are much endangered by trees and timber floating down the stream, and the current

Forms of Oaths.

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current is in many places obstructed or shifted by the lodging of timber, so as to impede the passage of boats, and do other damage.

BE it therefore enacted by the General Assembly of the State of Vermont, That if any person shall fall, put in, or draw near, any creek or river in this State, and suffer to float down the stream, any trees or timber, not being well trimmed, and which is of a greater length than twenty feet, he shall forfeit and pay the sum of fifteen shillings for each tree or stick so fell, put in, or drew near, such creek or river, and suffered to float down as aforesaid, to the use of any person who shall sue for and prosecute the same to effect, before any Court proper to try and determine the same; and shall also pay all damages which the public or individuals shall sustain thereby.

Penalty for falling trees into rivers and streams

An act prescribing and establishing forms of Oaths in this State.

Passed Feb. 27, 1787.

BE it enacted by the General Assembly of the State of Vermont, That the several forms of oaths following, be, and they are hereby, established to be taken by, and administered unto, the several respective officers and persons for whom they are appointed, as followeth.

Forms of oaths established.

For the Grand Jurors attending the Supreme and County Courts, viz.

Grand Jurors

You swear by the ever-living God, that you will diligently inquire after, and true presentment make, of all breaches of law that shall come to your knowledge, according to your charge, (unless some religious tie of conscience, surely founded upon the word of God, bind you to secrecy.) The counsel of the State, your own counsel, and that of your fellows, you will keep secret. You will present no man for envy, hatred, or malice; neither will you leave any man unpresented for love, fear, favour, or affection, or in any hope of reward: but you will present things truly, as they come to your knowledge, according to the best of your understanding, and according to the laws of this State. *So help you God.*

For the Petit Jurors in criminal cases, viz.

Petit Jurors in criminal cases

You swear by the ever-living God, that without respect of persons, or favour of any man, you shall well and truly try, and true deliverance make, between the State of Vermont, and the prisoner at the bar whom you shall have in charge, according to your evidence and the laws of this State. *So help you God.*

For Jurors in civil cases, viz.

Jurors in civil cases.

You swear by the ever-living God, that you will truly try the issue or issues, now to be given you in charge, between the plaintiff and defendant, or plaintiffs and defendants, according to the evidence given you in Court, and the laws of this State, and accordingly a true verdict give. Your own counsel,

D d

and

and that of your fellows, you shall duly observe and keep. You shall speak nothing to any one, of the business and matters you have in hand, but among yourselves; nor shall you suffer any to speak unto you about the same, but in Court. And when you are agreed of any verdict, you shall keep it secret until you deliver it up in Court. *So help you God.*

For Witnesses, viz.

Witnesses.

You swear by the ever-living God, that the evidence you shall give to this Court, concerning the case now in question, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*

For Appraisers of estate on execution, viz.

Appraisers on execution.

You ——— being appointed to appraise such estate as is to be now presented to you, do swear by the ever-living God, that all partiality, prejudice, and other sinister respects laid aside, you will appraise the said estate, according to the present true and just value thereof in money, to the creditor or creditors who are to receive the same; and that you will do therein according to your best judgment and conscience. *So help you God.*

For the Jury of Inquest, viz.

Jury of inquest.

You swear by the ever-living God, that you will diligently inquire, and true presentment make, how, and in what manner, A. B. (here lying dead) came to his death: and you shall deliver to some near Justice of the Peace a true verdict thereof, according to such evidence as shall be given you, and according to your knowledge. *So help you God.*

For Appraisers of deceased persons estates, viz.

Appraisers of deceased persons estates.

You swear by the ever-living God, that all partiality, prejudice, and sinister respects laid aside, you will appraise all such estate, both real and personal, of C. D. late of ———, deceased, as shall be offered unto you, according to the present true and just value thereof in money, by your best judgment and conscience. *So help you God.*

For Distributors of estates, viz.

Distributors of estates.

You swear by the ever-living God, that you will, according to your best judgment and discretion, faithfully and equally divide the estate of A. B. according to the order of Court now given you. *So help you God.*

For Chainmen assisting the County Surveyor, viz.

Chainmen.

You A. B. and C. D. being desired to assist F. G. Surveyor, in carrying the chain, do swear by the ever-living God, that you will faithfully assist the said Surveyor in his service, and that you will keep a true account of all lines or measures by you taken, and the same give up to said Surveyor at his desire, according to your best skill and ability. *So help you God.*

For the Committee to lay out or alter highways, viz.

Committee to lay out highways.

You swear by the ever-living God, that you will lay out the way, mentioned in the precept by which you are now summoned, according to the best of your skill and judgment, with most convenience to the public, and least prejudice to any particular person or persons; and that you will make a just estimation

Partition of Lands.

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mation of the damage done to the property of any particular person or persons, by laying said way, according to your best judgment, and according to law. *So help you God.*

For the Jury to inquire into forcible entry and detainer, viz.

You swear by the ever-living God, that you will well and truly inquire of the forcible entry or forcible detainer, (as the case may be) now complained of, and return a true verdict thereof, according to your own view, and the evidence given you in Court. *So help you God.*

Jury, in forcible entry, &c.



An act for the Partition of Lands.

Passed March 29, 1787.

BE it enacted by the General Assembly of the State of Vermont, That all persons having or holding, or that shall or may at any time hereafter, have or hold, any lands, tenements or hereditaments, as co-parceners, joint tenants, or tenants in common, may be compelled, by writ of partition, to divide the same when the partners cannot agree to make partition among themselves.

I. Partners in lands compelled to divide.

Provided, That this act be not construed to extend to town commons, or sequestered lands.

Provido.

That when any one or more partners as aforesaid, shall procure a writ of partition to be issued against the other partners, the same shall be served in the like manner as other writs in civil causes are directed by law to be served, at least thirty days before the return thereof, if the defendants are inhabitants of this State; but when it shall appear to the satisfaction of any Court before whom such writ of partition is or shall be depending, that any or all the defendants mentioned in such writ, are not inhabitants of this State, or are absent from the same at the time of serving the writ, and do not return before the entry of the action upon the Clerk's docket, in such case the said Court shall continue the action to the next Court (unless the plaintiff or plaintiffs shall make it appear to the satisfaction of the Court, that the defendant or defendants had notice of the service of such writ, a sufficient time before the return thereof, to have appeared at said Court at the first day of the sitting thereof); at which time the said Court shall proceed to appoint three able and indifferent freeholders Commissioners to divide said lands, tenements or hereditaments, unless Commissioners for that purpose shall be mutually agreed on by all the parties interested; which said Commissioners shall (after being duly sworn by any Justice of the Peace, to execute the trust reposed in them without fear, favor, affection, or sinister respects) publish for four weeks successively, in one of the newspapers of this State, notice of their appointment, and that a certain day and place to be therein mentioned, they will proceed on the said partition. And the said Commissioners shall cause a survey of such land, to be by them divided, to be made; and having set apart such portion thereof as they conceive to be sufficient

Mode of suing a writ of partition.

Proceedings thereon.

Duty of commissioners.

ent

ent to defray all expences of the partition, the residue shall be divided into at least as many lots or parcels as there are partners, and in such manner that the share or shares of each, as near as may be, as well in quality as quantity, may, upon balloting, be drawn to the name of each partner: and where there is or shall be any disputed lands to be divided, a proportionate part thereof shall be allotted to each partner.

Commissioners
to cause an accu-
rate map & field
book to be made,
&c.

That when the Commissioners shall have completed surveying and allotting the tract to be by them divided, they shall cause an accurate map and field book, specifying the bounds of every lot, to be made and signed by themselves and their surveyor; after which they shall give notice four weeks successively, in one of the newspapers printed in this State, and require all persons interested to attend, at a particular time and place to be therein mentioned, to see the allotments balloted for: at which time and place, the said Commissioners having made as many tickets as there are allotments, with the number of each allotment on every ticket; and as many tickets as there are partners, with the name of each partner on every ticket; the tickets of names shall be put into a box, and the numbered tickets into another box; and one of the Commissioners, or some person to be by them appointed, shall immediately proceed to draw a ticket of the names, and then a ticket of the numbers, and set the name of the partner upon the lot in the map drawn to him or her; and so proceed until all the tickets are drawn: and the allotment on the map bearing the number of the ticket drawn next after drawing the ticket with the name, shall be the separate and divided share of that partner, in the lands so to be divided, and of all persons holding under him. Of which balloting, and all the proceedings in such partition, the said Commissioners shall make a full and fair entry and minute, in a book; which book, together with the map and field book, and certificates of their being duly sworn, shall be returned to the next Court where the cause shall be depending, and filed with the Clerk of said Court: and unless sufficient reason be shown to the contrary, the said division shall be ratified by the said Court, and remain firm and valid forever: which books and proceedings, or office copies thereof, shall be good evidence of such partition, in any Court of record in this State.

Court to ratify
the partition.

And
Land to be sold
for to pay expen-
ses.

And be it further enacted by the authority aforesaid, That the said Commissioners, or any two of them, within one year next after the ratification of such division by the said County Court, shall proceed to sell that part of the tract which was set apart to defray the expence of the partition, at public vendue, to the highest bidder, after giving four weeks public notice in one of the said newspapers; and their deed to the purchaser shall pass as good a title to such bidder, for the separate enjoyment of the same, as if all the partners or proprietors of the said land had made and executed the same in due form of law.

Penalty.

Always provided, That no Commissioner, or any other person in trust for him, shall become purchasers of the land so to be sold, or any part thereof.

And

Partition of Lands.

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And of the whole charge attending such partition, the said Commissioners shall keep, and state, a particular account, and lay the same before the Court; who shall either in Court, or by some meet person by them to be appointed, audit the same, after the persons interested have had opportunity of being heard in objection to the same; and out of the money arisen by such sale, the Commissioners may detain so much as the person auditing their account shall allow, for their services and disbursements in completing the partition: and the surplus (if any there is) shall be divided amongst the partners whose lands are sold, in proportion to the expence due from each of them.

Commissioners
accounts to be
audited.

Provided always, That whenever any one or more partners shall pay his or their proportion of the expences of the division, no part of the land of such partner shall be sold, but said Commissioners shall allow to him or them, his or their full share or part of land, and sale shall be made only of his or their parts who neglect paying their proportion of the expence.

Provided

And it is further provided and enacted by the authority aforesaid, That when either of the partners made defendants in such writ of partition, have no usual place of abode within this State, a copy of such writ, attested by the person serving the same, being posted upon some public place on the land to be divided, thirty days before the sitting of the Court at which the writ is returnable, shall be held and deemed as good a service on such defendant living out of the State, as if the writ had been read in his or her hearing.

III.
Service of writ on
nonresident party
served.

And whereas it may frequently happen that some of the owners of lands so intended to be divided, have made, or will hereafter make, conveyances of their rights or shares in such tracts, without the knowledge of the other owners, and may by that means, from time to time, frustrate the beneficial purposes of this act.

Preamble

Be it further enacted by the authority aforesaid, That no partition to be made by virtue of this act, shall be deemed void on account of any owner or partner not being made a party in the suit, whose deed shall not be recorded according to law, at the time of issuing the writ of partition; and that if any lot or parcel of land, in making such partition as aforesaid, shall be drawn for any person other than the legal owner thereof, the same shall be and enure to the use and benefit of the legal owner or owners, their heirs and assigns, in like manner as if the same had been balloted to the said owner or owners.

IV.
Where some
partners have sold
&c.

And be it further enacted by the authority aforesaid, That the guardians of all minors shall be, and are hereby fully empowered, (with the assistance of such persons as the Court of Probate shall for that end appoint) to make division of any such land, with the surviving partners or tenants, as fully and amply as the original partners and tenants might or could have done; and such minors, their heirs and assigns, shall be firmly bound and concluded by any such division made by their guardians. And the several Courts of Probate are hereby directed (when they shall conceive the same to be necessary), upon application

V.
Guardians to do
for minors.

Punishment of Frauds and Perjuries.

of such partner, tenant or guardian, to appoint any suitable person to assist such guardians, in making division as aforesaid.

VI.
Commissioners
powers to vest in
the survivor of
them.

And be it further enabled by the authority aforesaid; That if any of the Commissioners, so to be appointed to make a partition by virtue of this act, shall die before the same is completed, their powers shall vest in, and be exercised by, the survivors or survivor of them.



Passed March 2,
1787.

An act for the prevention and punishment of Frauds and Perjuries.

Preamble

WHEREAS frauds and perjuries may be frequently committed, by evil minded persons, for their private advantage, for the avoiding of some debt or duty owing from themselves, or others, or for the gratification of private resentment :
Which evils to prevent :

I.
Penalty for per-
jury.

BE it enacted by the General Assembly of the State of Vermont; That if any person, either by the subornation, unlawful procurement, reward, sinister persuasion, or means of any other, or by his own act, consent or agreement, shall wilfully and corruptly, commit any kind of wilful perjury, in any cause or matter, depending before any Court of law or equity, auditors, referees, or arbitrators, such person, being thereof duly convicted, shall pay a fine of thirty pounds to the public treasury of this State, and shall be imprisoned for the space of six months without bail or mainprize, and shall thenceforth be discredited, and disabled forever to be sworn in any Court, until the judgment given on such conviction be reversed; and the person so offending, shall forfeit and pay to the party grieved by such offence, treble damages, to be recovered by action on this statute.

And if such offender shall be unable to pay the aforesaid fine, he or she shall be set in the pillory for the space of two hours, in the county town of the county where the offence was committed, and shall have both his ears nailed, and cut off.

Perjured person
to pay dam-ages.

And if the judgment rendered on such conviction shall be reversed by due course of law, the person or persons aggrieved by such judgment, shall have a right to recover his or their damages against all and singular the persons who procured such judgment, so reversed, to be given, by action on this statute.

Subornation of
perjury.

And all and every person, who shall unlawfully and corruptly procure any witness or witnesses, by letters, rewards, promises, or by any other sinister and unlawful labor or means whatsoever, to commit any wilful or corrupt perjury, in any matter or cause whatsoever, depending before any Court of law or equity, auditors, referees, or arbitrators, every such offender being thereof duly convicted, shall for his or their offence, be proceeded against, and suffer the like pains;

Providing for impotent and poor Persons.

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pairs, penalties, forfeitures and disabilities, in all respects, as for corrupt and wilful perjury.

Be it further enacted by the authority aforesaid, That if any person or persons, shall willingly and falsely, forge and make, or cause to be forged or made, or shall aid, abet, help or assist, in the falsely forging and making, any false deed or conveyance, will, testament, bond, bill, receipt, release, acquittance, letter of attorney, or any other writing to prevent equity and justice, or to promote injustice; such person or persons, being thereof duly convicted, shall stand in the pillory three several days of public meeting, not exceeding two hours each day, and render and pay to the party or parties injured thereby, double damages; to be recovered by action founded on this act; and shall also be rendered incapable, and be disenabled, to give any evidence or verdict, in any case whatever.

II.
Penalty for for-
gery.

Be it further enacted by the authority aforesaid, That all fraudulent and deceitful conveyances of lands, tenements, hereditaments, goods or chattels, and all such bonds, suits, judgments, executions or contracts, made to avoid any debt or duty of others, shall (as against the party or parties only whose debt or duty is so endeavored to be avoided, their heirs, executors or assigns) be utterly void; any pretence or feigned consideration notwithstanding.

III.
Fraudulent con-
veyances, &c. to
be void.

And every of the parties to such fraudulent conveyance, bond, suit, judgment, execution or contract, who being privy thereunto, that shall willingly justify the same to be done *bona fide*, and upon consideration, or shall alien and assign any lands, leases, goods or chattels, so to them conveyed as aforesaid, shall forfeit one year's value of the lands, lease, rents, common, or other profits, out of the same, and the whole value of the goods and chattels, and also so much money as shall be contained in such covenous bond or contract, and being thereof convicted, shall also suffer half a year's imprisonment, without bail: which above forfeiture shall be equally divided between the party grieved, and the county Treasurer, except the purchaser make it appear by two witnesses, that the contract or bargain was made *bona fide*, and on good consideration, before any seizure made by the creditor, or officer, of the estate so conveyed, and that it was without any design of fraud to defeat the creditor of his just dues.

Penalty for jus-
tifying fraudu-
lent contracts.

An act providing for, and ordering, transient, idle, impotent and poor Persons.

Passed March 29,
1787.

FOR the better ordering, providing for, and supporting, such persons as become, or are likely to be, unable properly to support themselves and families,

Preamble.

BE it enacted by the General Assembly of the State of Vermont, That when, and so often as, it shall happen, that any person or persons shall be naturally wanting of understanding, so as to be unable to provide for themselves; or by the

I.
Poor to be sup-
ported by their
relatives.

Providing for impotent and poor Persons.

the providence of God, by age, sickness, or otherwise, become poor and impotent, or unable to provide for themselves, and have no estate wherewith they may be supported; they, and every of them, shall be provided for and supported by such of their relations as stand in the degree of father or mother, grand-father or grand-mother, children or grand-children, if they are of sufficient ability to do the same; which sufficient relations shall provide such support and maintenance, in such manner, and proportion, as the County Court of the county, where such person wanting relief lives, shall judge just and reasonable, whether such sufficient relations live in the same or another county: and the said Courts are hereby fully authorized, upon application made to them, either by the Selectmen of the town, or any one or more of such relations, to order the same accordingly.

Provide.

Provided, That nothing herein contained shall be construed to oblige grandchildren to support their grand-parents, unless so far as they have received estate, either mediately or directly, from the grand-parents, nor to take so much property from a grand-parent, for the support of a grand-child, as to deprive such parent of a comfortable subsistence, at the discretion of the said Court.

*Execution to
be quarterly.*

And if any such relations, who shall be by such Court assessed, or ordered to pay any certain sum or sums for the purpose aforesaid, shall neglect to do the same, or to give sufficient security to abide by and fulfil the judgment of the Court, the said Court may award execution quarterly against such persons respectively, for levying so much as they are assessed, to be delivered into the hands of the complainant or complainants respectively, for the purpose aforesaid.

*Idiot, &c. to be
maintained out
of their estate,
if any.*

But if such idiot, distracted, or impotent person, have any estate, the County Court of that county where they dwell may order and dispose thereof, in such manner as they shall judge best, for and towards the support of such persons; as also of the persons themselves, to any proper work or service he, she, or they, may be capable of performing, at the discretion of the Selectmen; or the Selectmen may appoint and empower some meet person a Conservator, to take care of and oversee such idiots, distracted, and impotent persons, and their estates, for their support, who shall be accountable to said Selectmen for their management of said trust, when ordered by said Selectmen.

*Assembly to di-
rect the sale of
lands.*

And if the estate of such idiot, distracted, or impotent person, consists of houses or lands, the General Assembly (upon application made to them) may licence and authorize the Selectmen of the same town, or some other meet person, to make sale of such houses or lands, or so much of them as the Assembly shall see fit to order, to and for the use, relief, and benefit, of such impotent person; the produce thereof, on sale, to be secured and employed for the purpose aforesaid, so long as such person shall live, or until he or she shall be capable of providing for and taking care of him or herself, and the overplus, (if any there be) in case of restoration, to be to and for the use of the person, and

Providing for impotent and poor Persons.

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and in case of death to and for the use of the next and right heir of such person.

That if such idiot, distracted, poor and impotent person, have not estate (the income of which being improved or disposed of as aforesaid), sufficient for their support, and no relations appear to provide for them, or stand in so near a degree that they may be compelled thereto, in every such case the Selectmen or overseers of the poor in the town where such person is by law an inhabitant, be, and they are hereby, empowered to take effectual care, and make necessary provision for the relief, support and safety of such person, at the charge of the town or place where he or she of right belongs, and if they belong to no town or place in this, or the other American States, then at the cost of this State.

Provision where there is no estate or sufficient relations.

Be it further enacted by the authority aforesaid, That the Selectmen, for the time being, in the several towns in this State, shall, from time to time, diligently inspect into the affairs and management of all persons within their town, whether householders or others; and if they find any person or persons that are likely to be reduced to want, by idleness, mismanagement, or bad husbandry, that then such Selectmen may appoint an overseer to advise and direct such persons in the management of their business, for such time or times as they shall think proper; a certificate of which appointment shall be set upon the sign post, and a copy thereof lodged in the Town Clerk's office, by such Selectmen, forthwith; and thereupon no person, while under such appointment, shall be able to make any bargain or contract, without the consent of such overseer, that shall be valid in law.

II. Selectmen may appoint overseers for persons likely to be reduced.

And if such measures do not prove sufficient to reform such person, then the Selectmen may, and they are hereby directed to, make application to the next Justice of the Peace, and inform him thereof; which Justice is hereby directed and empowered, at the request of the Selectmen, to issue his warrant to the Sheriff, his Deputy, or either of the Constables of that town, commanding him to take the body of such person, and bring him before such authority, in order that such person may be examined concerning his idleness or mismanagement, and be dealt with according to this act.

Selectmen may convene idle persons before authority to be examined.

And in case such person, who shall be informed against, shall abscond, so that he cannot be taken, then the officer shall serve such warrant by leaving a true and attested copy thereof at the usual or last place of his abode; and after the proceedings above directed, the Selectmen (if no sufficient reason be offered to the contrary) shall, by and with the advice of such Justice, and, having such advice, are hereby authorized to take such person, and his family, if any he hath, into and under their care, and such person and family assign, bind, or dispose of, in service, as they shall judge best.

May bind out them and their families.

And when the Selectmen shall have taken into their care any such person, and disposed of him as aforesaid, or in case of his absconding as aforesaid, being proceeded against as aforesaid, the Selectmen are hereby authorized and

May dispose of their estates.

Providing for impotent and poor Persons.

fully empowered, by and with the advice of such Justice, to take into their custody all the lands, goods, chattels, and credits, of such person, and the same dispose of, improve, and manage, for the best good and advantage of such person, or his heirs.

Proviso.

Always provided, That no Selectmen shall sell the land of such idle, mismanaging, or poor person, without the order of the General Assembly.

Selectmen to publish their doings herein.

And the Selectmen shall publish their doings with and on such estate taken by them as aforesaid, by forthwith setting up a certificate thereof, under the hands of such authority and Selectmen, at some public place in the town, and lodge a copy thereof in the Town Clerk's office in said town; and shall also, within ten days after the taking of such estate, make a true and perfect inventory, of all and singular the goods, chattels, and credits, of such person, which shall come into their hands, with a just estimate of the true value of every article thereof, by the appraisement of two indifferent freeholders, under oath, being thereto appointed and sworn by said authority; which inventory, so taken, shall be lodged in the Town Clerk's office of that town.

To make an inventory.

They recover the estate by action.

And if any person or persons shall detain or withhold from such Selectmen, any estate, lands, or credits, belonging to such idle, mismanaging, or poor person, the Selectmen are hereby empowered to demand and recover the same, by action, or other lawful means; which being recovered and received by such Selectmen, shall be inventoried and improved as aforesaid.

Shall pay debts.

And the said Selectmen shall take care to pay out of such estate, the just debts due from such persons, so far as the same shall extend.

Remedy for aggrieved persons.

And if any person or persons shall be aggrieved with the doings of such Selectmen, in any such case, they may apply and complain to the County Court in that county for relief; who are hereby empowered to afford such relief, as on hearing the case they shall think convenient and just, and give orders therefor, and put the same into execution.

Such mismanaging persons disabled to make contracts.

And all such persons who shall be taken, and whose estates shall be taken, and disposed of according to this act, shall be disabled to make any contract, or deed that shall be binding upon their persons or estates, as minors under guardians by law are, until by their industry, good management, and application to business, they shall obtain a certificate under the hands of such Selectmen and authority, that they are released, and their estate put into their own hands and improvement.

XXI.
Entertainers of transient persons liable until complaint made.

Be it further enacted by the authority aforesaid, That if any transient person or persons shall be taken sick or lame, in any town in this State, whoever shall keep such person or persons, (if such transient, sick, or lame person, be not of sufficient ability) shall defray all such expence, until complaint thereof be made to the Selectmen of such town; after which such Selectmen shall provide for such transient, sick or lame person, according to law.

XXII.
Down to support their poor.

And be it further enacted by the authority aforesaid, That each town in this State shall take care of, support and maintain, their own poor.

And.

Providing for impotent and poor Persons.

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And the Selectmen for the time being, or overseers of the poor, (where any such are chosen) shall have full power to expend or disburse out of the town stock or treasury, what they shall judge necessary, from time to time, for the relief and support of any of the poor belonging to their towns, so far as the amount of four pounds.

Selectmen to expend out of the town treasury therefor.

And if more be needful, the said Selectmen or overseers, or the major part of them, shall, with the advice of the authority of that town, (if any there be) expend and disburse what shall be by them judged needful, for the relief of the poor as aforesaid.

And in case there be no Justice of the Peace in any town, the Selectmen or overseers aforesaid of such town, may act as fully as if they had such advice in the case aforesaid, for the relief of their poor, and for the supplying them, or any of them, with food, cloathing, fire wood, or any other thing necessary for their support or subsistence.

And if any Selectman or overseer of the poor do neglect or refuse to give a just account upon oath, of what he has expended as aforesaid, and what of the town stock or money is in his custody, upon ten days warning, before a Justice of the Peace, when called to by the town, and to return what is not expended, to and for the use aforesaid, to the town, he or they shall be committed by a Justice of the Peace to the common goal, there to remain at his or their own cost and charge, until he or they shall give such account, and make such return as aforesaid.

Penalty for Selectmen not accounting for money.

That if any poor person or persons, who have had, or shall have, relief or supplies from any town, shall suffer their children to live idly, or mispend their time in loitering, and neglect to bring them up, or employ them, in some honest calling which may be profitable to themselves and the public; or if there shall be at any time any family that cannot or do not provide competently for their children, whereby they are exposed to want or extremity, or if there be any poor children in any town that live idly, or are exposed to want and distress, and there be none to take care of them; it shall and may be lawful for the Selectmen, or overseers of the poor, in each town, and they are hereby empowered and directed, with the assent of the next Justice of the Peace, to bind out any and every such poor child or children belonging to such town, to be apprentices or servants, where they shall see convenient; a male child till he comes to twenty-one years of age, and a female till she comes to the age of eighteen years: which binding shall be as effectual to all intents and purposes, as if any such child were of full age, and by indenture of covenant had bound him or herself.

Selectmen may bind out children exposed to want.

And be it further enacted by the authority aforesaid, That no person shall gain a settlement in any town in this State, and be liable to be supported thereby, unless such person was born therein, or has owned, or shall own, estate in such town, of the value of two hundred pounds, clear of all demands against him or her, or of the yearly value of ten pounds.

What gains a settlement.

And:

Establishing Post-Offices.

A justice may order the removal of a poor person to the place of his settlement.

And whenever any person not having a settlement in the town where he shall reside, shall become chargeable, or be likely to be chargeable thereto, it shall be lawful for any Justice of the Peace of the same county, to order the removal of such poor person to the place of his or her legal settlement, and to issue his warrant therefor to the Constable of the town where such poor person resides, who shall, by virtue thereof, transport such poor person, and his or her effects (if any he or she shall have) to the place of settlement of such person if within this State, and if the place of such persons' settlement shall be without the State, then to transport him or her out of the State, on the direct route to his or her place of settlement: and the said Constable shall deliver such poor person (if his or her place of settlement be within this State) to one of the Selectmen of the town to which by his warrant he is directed to remove him or her, and a copy of the order of removal, attested by the Justice making the same: and if such Selectman shall refuse to receive any poor person so removed and delivered to him, he shall forfeit and pay for each offence, four pounds to the treasury of the town from which such person was removed. And if the Selectmen of the town to which such person shall be removed, shall think such town aggrieved by the order of removal, they may appeal to the next County Court of the county in which the Justice who made the order resides, giving reasonable notice in writing of such appeal; and if it shall appear to the County Court that reasonable notice was not given, they shall continue the appeal: and such Court is hereby empowered to make final order therein, and to award execution for costs, and also for such damages as the appellants shall have sustained, if judgment be rendered in their favor.

Penalty for not receiving such poor.

Penalty if poor returns without leave.

And if any person legally removed as aforesaid, shall return to the place from which he or she was removed, without leave of the Selectmen of the town, the person returning shall, for every such offence, be whipped on the naked back, not exceeding ten stripes, by order of any Justice of the Peace in the same county.

Passed March 9, 1787.

An act for establishing Post-Offices within this State.

Preamble.

WHEREAS the business of promulgating the laws, conveying timely notice to the inhabitants of the State of all proprietary proceedings, and other matters of importance to the public, can in no other way be effected so extensively, and with so small expence, as by the appointment of regular posts, for conveying the same to the different parts of this State.

I. Give post offices established.

BE it enacted by the General Assembly of the State of Vermont, That there be five post offices established within this State, one in Bennington, one in Rutland, one in Brattleborough, one in Windsor, and one in Newbury, under such

Stocks, Signposts, and Pounds.

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such regulations as are established for the government of the post-offices in the United States.

That the post rider from Bennington to Brattleborough be allowed three pence per mile travel, and those on each of the other routs (including a post rider from Bennington to Albany) two pence per mile, every time they respectively perform their routs, in hard money orders, or hard money.

Allowance to post.

And be it further enabled by the authority aforesaid, That the Postmaster-General be, and he hereby is, empowered to employ a post to ride from Rutland in the county of Rutland, through the county of Addison, upon such rout or routs as he shall judge will best accommodate the inhabitants of said county of Addison, in promulgating the laws of the State, &c. and such post shall be allowed two pence per mile, each fortnight, for one half the circuit, going one road, and returning another; to be paid as aforesaid. And the said Postmaster-General is authorized hereby to establish post-offices in such towns in Addison county as he shall find necessary.

II.
A post through Addison county.

And be it further enabled by the authority aforesaid, That the several Postmasters be directed to keep a regular account of all profits and emoluments arising from the office, and exhibit the same to his Excellency the Governor, and the Honorable Council of the State, when requested.

III.
Where postmasters are to exhibit their accounts.

That until the further order of the Legislature, the post riders from the several offices shall be entitled to an exclusive right of carriage, and enjoy the advantage of the fees arising from the carriage of letters and packets of every kind, and that the rate of postage be the same as in the United States.

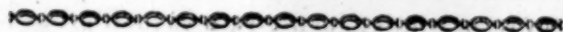
Post riders to have the exclusive right of carriage, &c.

And be it further enabled by the authority aforesaid, That no person presume to ride on any of the routs of such established posts, for the purpose of carrying letters, packets, or other matters particularly within the province of such established posts to carry, on penalty of paying the sum of ten pounds, to and for the use of any Postmaster, who shall prosecute the same to effect, for every such offence.

IV.
Penalty for interference with the posts.

And be it further enabled by the authority aforesaid, That his Excellency the Governor, and such other persons as the Legislature shall in future authorize, shall have authority to frank any letters or packets; for which letters or packets no postage shall be demanded.

V.
Persons to frank letters.



An act for maintaining Stocks, Signposts and Pounds in this State, and for regulating the impounding of creatures, and for punishing rescues and pound breaches. Passed March 5th 1787.

BE it enabled by the General Assembly of the State of Vermont, That each town in this State shall maintain, and, as often as the same shall be necessary, make, at their own charge, a good pair of stocks, with a lock and key sufficient

I.
Towns to maintain stocks,

Stocks, Signposts, and Pounds.

ent to secure offenders who shall be sentenced to sit therein; which stocks shall be erected in the most public place in each respective town.

Signposts.

And in the same place there shall be a signpost maintained in sufficient repair, at the charge of said town, on which all notifications, warrants for meeting, &c. shall be set up.

Pounds.

And there shall also be, from time to time made, and kept in sufficient repair, in every town in this State, at the charge of such town, a sufficient pound or pounds, not exceeding three, with a lock and key to each, for the keeping all such creatures as by law shall be liable to be impounded.

Penalty for neglect.

And it is hereby declared the duty of the Selectmen in each town, to make and keep in sufficient repair, from time to time, such stocks, signposts, and pounds, at the cost and charge of such town; and if any town in this State shall be without such stocks, signposts, or pounds, the said Selectmen shall forfeit the sum of twenty shillings per month, for each article in which they are so deficient; one half to the treasury of the county in which such delinquent town lies, and the other half to him or them who will prosecute for the same to effect before any Court proper to try the same.

Proviso.

Provided nevertheless, That if any town have granted, or shall grant, to any particular parish or district liberty, at their own cost and charge, to erect a pound or pounds for their conveniency, (which grant such towns are hereby empowered to make) the said pound or pounds shall be maintained by the said parish or district, and the Selectmen shall not suffer or be punishable for any defect therein.

Penalty on persons impounding not notifying the owner.

Be it further enabled by the authority aforesaid, That every person impounding any creatures, shall give notice thereof to the owners, as soon as may be, if the owner or owners be known, on pain of forfeiting for each creature so neglected to be notified, three shillings for every twenty-four hours, one half to the use of the pound-keeper, and the other half to and for the use of the person or persons prosecuting to effect before any Court proper to try the same.

Proceedings when the owner is unknown.

That whenever any creatures shall be taken damage feasant, and impounded, the owner whereof is unknown, the impounder shall forthwith inform one of the Constables of the town thereof, who shall advertise such creatures, with their natural and artificial marks, in the town where they are impounded, and in two adjacent towns from whence such creatures most probably came; and if no owner shall appear in thirty days after such creatures are so advertised as aforesaid, then so many of the said creatures shall, by the said Constable, be sold at public vendue, as may be sufficient to satisfy the damages and impounding, with the charges arising for keeping, advertising, and selling the same, together with charge of fence viewing, where the same shall be necessary.

And the said Constable shall procure the natural and artificial marks of the creatures so sold, to be entered in the Town Clerk's office, together with an account of the charges arisen, the price of the creatures, and the sum of the overplus

Stocks, Signposts, and Pounds.

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overplus remaining (if any there is after the Town Clerk is satisfied for the entry); and such overplus shall be delivered to the town Treasurer, to be kept for the use of the owner: but if the owner shall not appear within one year, and make demand of the overplus, the same shall belong to the said town treasury.

Provided nevertheless, That the fence about the inclosure out of which cattle or horses are impounded, shall be found lawful by two fence viewers, before any sale shall be made as aforesaid. And if the owner or owners of such cattle or horses shall come within said twenty days, he shall have such horse kind or cattle, paying for viewing said fence, and other damage and cost which shall be due by this act. Provide.

And be it further enacted by the authority aforesaid, That if any person or persons, whole creature or creatures shall be impounded, and he or they notified thereof as aforesaid, shall not within twenty-four hours after such notice to him or them given, either replevy or redeem his or their creature or creatures out of the pound, every such person or persons shall forfeit one shilling per head for each beast so by him or them suffered to remain in pound, and so the same sum a day for every day after the first day he or they shall suffer said creatures to continue in pound, besides paying all necessary charge the pound keeper shall be at in providing and giving meat and water to such creatures so continued in pound. All of which forfeitures becoming due by virtue of this act, shall belong one half to the pound keeper, and the other half to the town treasury; (just damages and poundage being first paid before the creatures are released out of pound) to be prosecuted before any Court proper to try the same. III.
Penalty for not
redeeming crea-
tures.

And all horse kind which, being suffered to go at large on the commons, do break into any common field or particular inclosure, and are there found damage feasant, and thence impounded, the owner thereof, if known, shall pay poundage four pence per head, and damages, notwithstanding the insufficiency of the fence; and in case the owner of such horse or horse kind cannot be known within the space of twenty-four hours of the impounding of the same, they shall be accounted strays, and be liable to be proceeded with as such. Poundage for
horses when suf-
fered to run at
large

That on the replevin of any such horse or horse kind, or other dispute in law arising on any such matter, where the impounder has under oath declared the place from whence he took said horse or horse kind, unless the owner thereof can show, to the satisfaction of the Court or Justice before whom the trial is, that the said horse or horse kind were not suffered to go at large on the commons, and did enter into said field or inclosure through the insufficiency of some other part of the fence, not adjoining to the commons, judgment shall be rendered against such owner, to pay just damages and cost. And the fee that shall be paid by the owner or owners of all such horses, cattle, sheep, and swine, as shall be taken damage feasant and impounded, (whereof three Impounding
fee.
quarters

Division of Probate Districts.

quarters shall be to the driver, and one quarter to the keeper of the key) shall be as follows, viz. for all horse kind not suffered to run at large on the common, eightpence per head; for neat cattle, eightpence per head; for sheep, one penny per head; and for swine, sixpence per head.

Creatures escaping or breaking pound.

And if any creatures, lawfully impounded, shall escape, or get out of pound, the owner or owners thereof being known, shall notwithstanding pay all just damages and poundage, to be recovered by action.

Provido,

Provided, The person or persons, impounding such creatures, shall give oath, that he or they took such creatures damage feasant.

IV.
Penalties for rescues & pound breach.

And be it further enacted by the authority aforesaid, That if any person or persons shall rescue any horses, cattle, sheep, or swine, taken up as aforesaid, out of the hands or custody of any person or persons going to pound with them, or shall resist them therein, or shall by any means convey such creatures out of the pound, or custody of the law, or shall be aiding or assisting or procuring therein, whereby the party wronged may be liable to lose his poundage and damages, and the law to be eluded; the party so offending, shall forfeit and pay the sum of twenty shillings; and for such pound breach, the sum of forty shillings; one half to the use of the town treasury of the town where the offence shall be committed, the other half to him or them who shall prosecute the same to effect, and the offender shall pay all damages to the party wronged by such rescue, or pound breach.

In case of inability, to be assigned in service.

And if the offender or offenders as aforesaid, shall not be of sufficient ability to answer and pay the damage and forfeiture aforesaid, he shall be assigned in service to the party wronged, to make satisfaction for the damage and cost. And if said rescue or pound breach be committed by the servants or children of the owner or owners of such creatures, the owner or owners shall pay all damages and forfeitures as though he or they had done the same in person.

Provido.

Provided, That all complaints for the breach of this act shall be prosecuted within nine months after the offence is committed, and not after.



Passed Feb. 27,
1787.

An act for dividing the State into Probate Districts.

1.
Number of districts.

BE it enacted by the General Assembly of the State of Vermont, That this State be divided into ten districts, and in each district there shall be held a Court for the probate of wills, &c. consisting of one Judge, who shall have power to appoint his Clerk. Said districts to be bounded in manner following, viz.

Bennington and Manchester.

That the county of Bennington be divided into two districts, by a line beginning at the southwest corner of the town of Arlington, and running thence easterly on the south line of Arlington and Sunderland, and continuing that course to the county line. That the district south of said line be known by the name of *The district of Bennington*; and that the district north of such line, and

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and within the county of Bennington, be known by the name of *The district of Manchester.*

And be it further enacted by the authority aforesaid, That the county of Rutland be one entire probate district, and be known by the name of *The district of Rutland.* II. Rutland.

And be it further enacted by the authority aforesaid, That the county of Addison be one entire probate district, and be known by the name of *The district of Addison.* III. Addison.

Be it further enacted by the authority aforesaid, That the county of Windham be divided into two districts, by a line beginning at the northeast corner of Dummerston, thence running westerly on the north lines of Fulham, New-Fane, Wardsbrough, and Stratten, to the county line. And that the district south of said line be known by the name of *The district of Marlborough;* and the district north of said line, and within the county of Windham, be known by the name of *The district of Westminster.* IV. Marlborough & Westminster.

And be it further enacted by the authority aforesaid, That the county of Windsor be divided into two probate districts, by a line beginning at the northeast corner of the town of Windsor, and from thence to run westerly on the north lines of the towns of Windsor, Reading, and Saltash, to the county line. And that the district south of said line, and within the county of Windsor, be known by the name of *The district of Windsor;* and that the district north of said line, and within the county of Windsor, be known by the name of *The district of Hartford.* V. Windsor and Hartford.

And be it further enacted by the authority aforesaid, That the county of Orange be divided into two probate districts, by a line to begin at the northeast corner of Fairlee, thence to run westerly on the north lines of Fairlee, Verthire, and Turnersburgh, to the county line. The district south of said line, and within the county of Orange, to be known by the name of *The district of Thetford;* and the district north of said line, and within the county of Orange, to be known by the name of *The district of Newbury.* VI. Thetford and Newbury.

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An act regulating Proprietors Meetings.

Passed March 29  
1787.

**B**E it enacted by the General Assembly of the State of Vermont, That where lands lie in common in any township in this State, and a number of the proprietors of such lands, to the amount of at least one sixteenth part, shall make application to any Justice of the Peace within the State, for calling a meeting of such proprietors, such Justice is hereby required to issue his warrant for calling such meeting, setting forth the time, place, and the several matters and things to be transacted, and the reasons for calling such meeting; which warrant shall be inserted in all the newspapers printed in this State, three weeks successively,

H h

successively,

I.  
Justices to warn  
meetings, on ap-  
plication, &c.

## Regulating Proprietors Meetings.

successively, the last time of which shall be at least twenty days before the convening such meeting.

Proprietors may transact business, so notified.

And such proprietors, when met, may proceed by ballot to choose a Moderator, Clerk and Treasurer, and may further proceed to transact any business which may concern the propriety, as the promoting of settlement, and laying out and making division of lands, laying out roads, and any other business whatsoever which concerns the propriety, notified as aforesaid: and every proprietor shall be allowed to vote in proportion to his interest in such propriety.

To vote according to interest.

II.  
Proprietors clerk of incorporated towns to reside in town.

*And be it further enacted by the authority aforesaid,* That from and after the expiration of six months from the publication of this act, no person whatever in this State, shall be capable of exercising the office of Proprietors Clerk in any incorporated town, district, or gore of land, unless he be an inhabitant of such town, district, or gore, as aforesaid.

Mode of division.

And the mode for division of the lands shall be as follows, viz: When the proprietors are met according to the warning, and have agreed on the number of acres to be allotted or divided to each proprietor, they shall choose a Committee to make a survey thereof; which Committee shall consist of one or more persons, (who shall be under oath to the faithful discharge of his or their duty) and shall lay out and number one lot (or as many as the proprietors vote) to each right; and when such survey shall be made, they shall return a plan thereof to the proprietors, when met, describing the corner of each lot; and the Clerk shall cut as many small square pieces of paper as there are proprietors, (including the public rights) and shall number them, and put them into a box, and shake them, and some disinterested person shall draw them out as the Clerk shall call the proprietors names, beginning at the first name in the charter, and so on until all be drawn; and the Clerk shall affix each number to the proprietor's name who drew it.

Provide.

*Provided always,* That nothing herein contained shall prevent the proprietors from voting to any settler the lot he lives on, in lieu of his draft, if the same be legally notified in the warning for calling such meeting.

Provide.

*Provided also,* That nothing herein contained shall be construed to prevent the proprietors, in any legal meeting, where the same shall be notified in the warning, granting to any proprietor liberty to pitch, and lay out for himself, on his own right, such quantity of undivided lands as said proprietors shall think proper, adjoining to, and including, proper places for erecting gristmills and sawmills, on condition of building such mill or mills, within such limited time as may be agreed on; provided that such pitches shall be allowed only for encouragement to build the first gristmill and sawmill in any town, and shall not exceed the quantity of two hundred acres for each of such mills.

Votes valid in law.

And the votes and proceedings of such meetings, as above, shall be good and valid in law.

And

## Regulating Proprietors Meetings.

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And such proprietors may adjourn from time to time, as to them may be thought expedient. And such Clerk, being duly sworn, shall make fair and true entries of all the votes and proceedings of such meetings; from which records such Clerk shall give fair and attested copies of any matter or thing therein contained, when requested thereto by any person, on such proprietor's tendering the sum of fourpence for each hundred words contained therein. The charters of each town which may or can be procured shall be recorded in the first pages of the proprietors book of records.

Proprietors may  
adjourn.  
Clerk's duty.

*And be it further enacted by the authority aforesaid,* That if any proprietors Clerk shall neglect or refuse to do his duty herein, he shall, on conviction thereof before any Justice of the Peace, pay a fine of five pounds for every such offence, and all damages which may arise by such neglect or refusal; and one half of such fine shall be paid to the complainant who shall prosecute to effect, and the remainder to the proprietors Treasurer for the use of the propriety; and all legal costs shall be paid by such delinquent.

III.  
Penalty on clerks  
for neglect of du-  
ty.

That in any proprietors meeting legally warned and convened for the purpose, it shall be lawful for such proprietors to make a rate of all such costs as shall have accrued in running town lines, making a division of lands, or any other matter for the benefit of the propriety, after such services shall have been performed, and an account therefor allowed by the proprietors, and recorded in their book of records, and to appoint some inhabitant of this State a Collector to gather the same from the owners of lands in such propriety, which Collector is hereby directed to publish such rate or tax, with the reason why the same was made, for three weeks successively, in all the newspapers printed in this State.

Proprietors em-  
powered to tax  
themselves.

Appoint a col-  
lector.  
Collector's duty.

And in case any part of such rate shall be unpaid, thirty days after the last time of such publication, it shall be the duty of such Collector to publish in the papers, and for the time before-mentioned, the names of the grantees upon whose rights default of payment has been made, and the sums due thereon; and therein to give notice, that a necessary proportion of such lands will be sold at public vendue, at a certain place and time to be therein mentioned, not less than twenty nor exceeding fifty days from such last publication, unless such tax and the costs, shall be sooner paid: and provided there shall then remain any part of such tax unpaid, such Collector shall proceed to sell at public vendue, so much of such delinquent's land as to pay such tax, together with cost, including not only the cost of such vendue, but that of the last advertisements: and such Collector shall within one year after such sale, unless such land be redeemed, make and execute a deed or deeds, to the purchaser or purchasers, with a covenant of warranty; which deed or deeds shall be good and valid in law.

*Provided always,* That no sale made by virtue hereof, except it be made between sunrise and sunset, shall be valid.

Provided.

And.



## Regulating Proprietors Meetings.

*Provide.*

*And provided,* That if the proprietors of such land shall appear and tender to such Collector the full sum of money for which such land was sold, with the cost arising thereon, and twelve per cent. interest, within one year after such sale, then such Collector shall receive the money, and not execute such deed to the purchaser, but deliver to him his money and interest as aforesaid.

And the proprietors passing any vote, under which land shall be sold, (a record of whose names the Clerk is hereby directed to make) are hereby made accountable to their Collector for any damages he may sustain, by making such sales, when the same shall happen by means of the illegality of the proceedings of said proprietors: and that said proprietors, by virtue hereof, shall have no right to intermeddle with, or sell, any lands divided into severalty, in any case whatever, excepting the division for which the tax shall be made.

And such Collector shall make return of his doings to the proprietors Clerk, within twelve months after any such vendue, and remit the money which he may have collected, from time to time, to the Treasurer, as often as he may be directed by such propriety: and on neglect of any part of his duty, shall be liable to the same penalties as is in this act before directed for any deficiency in the Clerk's duty.

IV.  
Saving for persons in captivity, &c.

*Be it further enabled by the authority aforesaid,* That such persons as shall be beyond sea, or in captivity, when their lands shall be vendued as aforesaid, shall have right of redemption to such lands, during one full year after the impediments are removed, by payment, or tender of the same sum of money for which such lands were sold, with the interest of such money at six per cent. per annum, to the purchaser of such land, his heirs or assigns: and in case any improvement shall have been made on such lands in the mean time, then those persons before described may make payment or tender of such sum of money as shall be judged by indifferent persons, to be equal to the value of such improvements; and such person or persons shall be reinstated in the fee of their land: any thing in this act to the contrary notwithstanding.

V.  
Meetings to be in the State, & sales in the county.

*And be it further enabled by the authority aforesaid,* That from and after the publication hereof, all proprietors meetings respecting any lands in this State, shall be held in the State; and all sales of lands by virtue of this act, shall be made at some public place in the county where such land lies; and if any proprietors meeting, or vendue, respecting any lands in this State, shall be held out of the same, or in any other manner than what is warranted by this act, the same shall be null and void.

*Provide.*

*Provided,* That nothing in this act shall be construed to affect or alter the vote or votes of any proprietors before the passing this act, or to prevent the pitching of their division as heretofore begun, unless it was contrary to the laws then in force.

Quakers. Collecting and paying Rates.

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An act relative to the people commonly called Quakers.

Passed Feb. 27<sup>th</sup>  
1787.

*WHEREAS* the people commonly called Quakers, refuse taking oaths administered in the usual form, alledging therefor scruples of conscience. Preamble.

**B**E it enacted by the General Assembly of the State of Vermont, That in every case where any Quaker shall be by law required to take an oath, the same shall and may be administered to him, in the usual form in such case by law prescribed, excepting that instead of the words, *you solemnly swear*, these words, viz. *You solemnly, sincerely and truly, affirm and declare, in the presence of Almighty God*, shall be used; omitting the usual words in the close, *so help you God*, and instead thereof, adding, *under the pains and penalties of perjury*: and every such affirmation or declaration, when made as aforesaid by any Quaker, shall be adjudged to have the same force and effect in law, to all intents and purposes as an oath: and in case he shall wilfully, falsely and corruptly, affirm and declare any matter or thing, subject him to the same penalties and forfeitures as if he had taken the oath in the usual form.

Quakers may  
take affirmations  
in stead of oaths

Penalty for af-  
firming falsely.



An act for collecting and paying of Rates.

Passed March 20<sup>th</sup>  
1787.

**B**E it enacted by the General Assembly of the State of Vermont, That every inhabitant of this State, except such as are or shall be by law exempted, shall contribute to public charges, and shall be compelled thereto (if need be) by distress, to be levied and collected in such manner as is or shall by law be provided.

I.  
All inhabitants  
to pay rates.

And all rates and taxes which shall be granted by the General Assembly, and all other rates or taxes of counties, towns, societies, or other communities, which are, or by law shall be, enabled to grant taxes, shall be made by the same rule; that is to say, in proportion to the general list of polls and rateable estate, from time to time given in and made according to law, except where another rule of granting and levying rates, taxes or assessments, is or shall be by law provided, in any particular case or cases.

All rates to be  
made upon the  
list of polls &c.

That whenever the General Assembly shall grant any rate or tax to be levied upon the inhabitants of this State, the Treasurer of the State, for the time being, is hereby required (without any further notice or order to him given) to send forth his warrant, by the authority of this State, directed to the first Constable chosen in the respective towns in this State, commanding them to levy and collect such public rates or taxes, so granted, and pay them to the Treasurer by the time allotted for that purpose by the Assembly granting the same; and immediately after receiving from the Selectmen of their respective towns, an assessment of the tax by the said Constables to be collected upon the polls and

The treasurer to  
issue his warrants  
to the constables,  
who are to give  
notice of the tax.

## Collecting and paying Rates.

Constables may  
distrain goods &c.

rateable estates of the several persons liable to pay said tax, (which said Selectmen are hereby authorized and required to make, and deliver to the Constable, without delay) such Constables shall immediately give notice to each inhabitant of his respective town, of the amount of his or her rates and taxes, and of the time and place the said Constable will attend to receive them : which warning every person is to observe, and attend, for the payment of such rates ; and upon neglect thereof, the said Constables are hereby empowered and required, to distrain the goods and chattels of such persons neglecting, for their rates not paid, with one penny on the shilling for their trouble, and their lawful fees for travel, and all other reasonable and necessary charges : and if no goods or chattels can be found, or shall be tendered, the officer shall attach the body of such person, and him or her convey to the county prison, there to remain until such rates or taxes, and lawful costs, be paid : and in case of the person's absence, and for want of goods and chattels, the officer shall levy on, and (after three weeks notice given in one or more of the newspapers printed in this State, and in the town where the land lies, and in two adjacent towns) may sell so much of such person's land, at public vendue, as will be sufficient to pay said rates, and all costs and charges ; and the said warrant being recorded in the Town Clerk's office where such land so sold shall lie, shall be good evidence of a title to the purchaser, his heirs and assigns.

Or sell land.

Time of redemption.

*Provided always,* That the owner or owners of land so sold for payment of taxes, shall have right to redeem the same at any time within one year after any such sale shall be made, by tendering to the purchaser, his heirs, executors or administrators, the full sum paid by such purchaser for the same, with the interest thereof at the rate of twelve per cent. per annum. And the receipt of such purchaser, his heirs, executors or administrators, or the proof of the tendering such sum as above, and interest as aforesaid, made by two witnesses, before any Justice of the Peace, (the party claiming the land under such sale having been notified to attend) being entered on the record of the town where such land lies, shall be full evidence of the title to said land being re-vested in the person who owned such land, previous to such sale : any thing herein before contained to the contrary notwithstanding.

II.  
Mode of collecting the tax from unorganized towns.

*And be it further enacted by the authority aforesaid;* That when it shall so happen that any unorganized town shall be doomed by the General Assembly to pay any tax, the warrant for the collection thereof, shall, by the Treasurer, be directed to the Sheriff of the same county, his Deputy, or some meet person by the said Treasurer to be for that purpose authorized, whose duty it shall be to call on the Selectmen of one of the nearest organized towns to make an assessment of said tax upon the inhabitants of such unorganized town ; and the person authorized by the Treasurer to collect such tax, shall be, and hereby is required and empowered, to proceed in like manner for the collection thereof as first Constables in their respective towns are by this act directed to proceed ; and if the Selectmen, when so called on and required by the person authorized by



## Collecting and paying Rates.

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by the Treasurer, shall neglect by the space of four weeks to make such assessment, the said Selectmen, and each of them, their, and each of their heirs, executors and administrators, shall be liable to pay said tax to the person authorized to collect the same, and may be distrained upon therefor, as is herein after provided in case of the Constable of their own town proving insolvent: and the person authorized to collect such tax, shall pay said Selectmen, out of the tax, each, the sum of six shillings, for their trouble and expence; and the remainder thereof (after deducting his legal fees) to the Treasurer of this State.

*And be it further enacted by the authority aforesaid,* That when any Constable in this State, shall take goods or chattels by distress, for payment of rates, he shall keep such goods the space of four days, at the cost and charge of the owner; and if the said owner do not pay the sum of money so assessed upon him, and costs, within the said four days, then the said distress shall be openly sold, at an outcry, by the said Constable, for payment of the said money, and costs (notice of such sale being posted up in some public place in the same town six days before hand;) and the overplus coming by the said sale, if any be, after deducting the charges of taking, keeping, and selling the said distress, shall be immediately restored to the owner.

III.  
Constable to sell  
goods after four  
days.

*And be it further enacted by the authority aforesaid,* That if any such Constable shall neglect to collect, and pay in such tax to the Treasurer, by the time limited in his warrant, then the Treasurer aforesaid shall, in like manner, issue his warrant to the Sheriff of the county, where such delinquent Constable shall live, requiring him to levy such rate or tax, or the sum remaining due thereof, of the goods, chattels, and estate, of the Constable so neglecting. And every Sheriff, to whom such warrant shall be directed, is hereby required forthwith to serve the same, in any county in this State, upon the goods or estate of such Constable, in like manner as the Constables are herein directed to serve their warrants, (giving fourteen days notice of the sale of such Constable's estate) and to pay such tax, so distrained from such Constable, to the Treasurer, returning the overplus, if any be, to the Constable, after deducting the like costs as in case of executions.

IV.  
Treasurer to issue  
his warrants a-  
gainst delinquent  
constables.

And whenever any Sheriff shall neglect his duty herein, it shall be lawful for the Treasurer, in like manner, to issue his warrant, directed to the Constable of the town where such Sheriff shall live, or of the next adjoining town, for levying the sum due, and costs: and the Constable, to whom such warrant against delinquent Sheriffs shall be directed, shall have the like power as is herein before given to Sheriffs in serving warrants upon Constables, and shall be under the like regulations. And if any Constable, to whom such warrant against a Sheriff shall be directed, shall omit to discharge his duty, it shall be lawful for the Treasurer to issue his warrant against such Constable, for collecting the arrears of such tax, to any person in his discretion; who shall also have

To issue warrants  
against sheriffs.

the like powers, and be under the same regulations, with the Sheriffs, in executing the duty enjoined by this act.

V.  
Constable's power  
extended, &c.

*And be it further enacted by the authority aforesaid,* That all Constables, duly authorized to collect the public tax, and every of them, shall have the same power and authority, in any of the towns and districts in this State, as said officers have in their own precincts, to gather and collect the respective rates, from any person or persons whose polls or estates are in their lists; and shall be allowed four pence per mile for their travel: and also shall and may collect and gather such rates and taxes, or what shall be due thereof, at any time after the expiration of their respective years, as well as before.

Executor, &c. of  
deceased constable,  
to have  
their power, &c.

And if it shall so happen, that any such Constable, after the expiration of his year, and before he hath collected the whole of the rate he is appointed to collect, shall die, then the executors or administrators of such deceased Constable, shall have the same power and authority to collect any and every part of the rate, not paid to the said Constable in his lifetime, as the said Constable had when alive; and shall be Collector in the room of the deceased, for gathering the remainder of such rate: and all executors and administrators of Constables or Collectors shall be responsible for the rates, as the Constables and Collectors by law are.

Constable dying,  
town to choose.

But if any such Constable or Collector shall die, or remove out of the town whereof he is Constable or Collector, before the expiration of his year, and the rate be not fully collected, that then every town wherein such case shall happen, is hereby directed to proceed forthwith to the choice of a new Constable or Collector, for the gathering the remaining part of such rate.

Constable proving  
insolvent.

And when, and so often as, it shall happen, that any Constable, chosen by any town to collect the State taxes, shall prove insolvent, and not able to pay the State tax, or any part or parcel thereof, in his hands, the Treasurer of the State is required and empowered to issue his warrant, directed to the Sheriff of the same county, requiring him to levy and collect of the Selectmen, or any one of them, of that town in which such insolvent Constable is chosen as aforesaid, such rate, or part thereof, as shall then be in the hands of such insolvent Constable; which Sheriff shall pay what he shall so levy of such Selectman or Selectmen, to the Treasurer as aforesaid.

Towns to be  
assessed in case of  
constables' insolvency.

And the Selectmen of such town are hereby empowered to assess a tax or rate upon the inhabitants of the said town, according to the list of the polls and rateable estate therein, that shall be sufficient for the payment of such sum or sums of money, as shall be levied by the Sheriff of such Selectmen as aforesaid, with the charges arising thereupon; and any Justice of the Peace is hereby authorized and required to grant a warrant to some meet person, to collect the same, who shall for that purpose be invested with all such power as is herein given to the Constables for collecting State taxes: and the said Selectmen shall account with the Selectmen next to be chosen in any such town, or with any

other

Collecting and paying Rates.

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other person or persons that may be appointed by the said town for that end, respecting the said tax, by them assessed as aforesaid.

*Be it further enacted by the authority aforesaid,* That whensoever any town, society, or other community, which by law is, or shall be, enabled and authorized to grant and levy any rate or tax, for the answering or detracting their necessary charges and expence, shall in any of their lawful meetings agree upon and grant a rate or tax, to be levied on, and collected of, themselves, for any of the purposes for which by law they are or shall be empowered to grant such rate or tax, they shall choose some meet person or persons to be Collector or Collectors of such rate or tax, and take proper care that such rate be accordingly made for the just assessment of the several persons taxed, and deliver the same to such Collector or Collectors.

VI.  
Town, &c. granting a tax, to choose a collector

And, upon application made to some Justice of the Peace, such Justice is hereby authorized and directed to grant a warrant for the collecting such rate or tax; which warrant shall be directed to the Collector or Collectors appointed to gather the same, requiring and empowering him or them to collect such rate or tax, according to the grant made thereof as aforesaid.

Justice to grant his warrant therefor.

And all Collectors, authorized and empowered to gather and collect any rates or taxes whatsoever, duly laid and assessed on any of the inhabitants of this State, or others, shall have equal power and authority in gathering the rates respectively committed to them, as is or shall by law be given to the several Constables in the collection of State taxes, according to such lawful warrants as shall be given them, and shall have the same power and authority to command the assistance of any person or persons, in the execution of their office, (when need shall require) as is by law given to Sheriffs and Constables in the execution of their offices; and all persons are hereby required to yield due obedience to them, and immediately to afford their assistance, on the same penalties as are provided by law, for enforcing obedience to the commands of Sheriffs and Constables.

Collectors empowered

*Provided,* Such Collectors show and read their warrant or authority to the persons whose assistance shall be commanded.

Provided

And all Collectors of rates shall gather and pay the rates, to them committed to be collected, by such time, and to such persons, as they shall be directed in their respective warrants: and in case any Collector or Collectors shall not perform the trust committed unto him or them, according to law, he or they shall be accountable for such rate, or such arrears thereof, so by him or them neglected to be gathered and paid as aforesaid, to the Selectmen of the town, or a Committee of the society or other community granting said tax, who are hereby empowered to demand such arrearages from such Collectors, and, on failure of payment, to take out a warrant from any Justice of the Peace, directed to any of the Constables, to distrain the sums or rates neglected to be collected and paid by such Collectors, out of the estate of the said Collector so neglecting.

Remedy against delinquent collectors.



## Repealing Statutes.

Passed March 10,  
1787.

An act to repeal the several Statutes therein mentioned or described.

Code of laws  
repealed.

Exceptions.

**B**E it enacted by the General Assembly of the State of Vermont, That the several statutes herein after mentioned, passed by the Legislature of this State, be, and hereby are, after the rising of the next session of the Legislature in October next, declared to be repealed, and made null, (except an act authenticating deeds, which is repealed at the rising of this session of the Assembly) viz. All the acts passed in February, June, and October sessions, 1779: all the acts passed in March 1780: all the acts passed in October and November session 1780, except an act, entitled, *An act to make the Trustees of Clio Hall a body politic and corporate in law*: all the acts passed in February, April, June, and October sessions, 1781: all the acts passed in February session 1782; except an act, entitled, *An act directing the heirship of the estate of Colonel William Symes, late of Hertsford, deceased, intestate*; and an act, entitled, *An act pointing out the office and duty of the Secretary of State*: all the acts passed in June and October sessions, 1782: all the acts passed in February session, 1783; except an act, entitled, *An act to confirm the substance of the last will and testament of Rufus Rude, late of Royalton, deceased, as the last will of the said deceased*: all the acts passed in October 1783: all the acts passed in October 1784, and in June 1785; except an act, entitled, *An act for establishing a county Grammar School, at Norwich, in Windsor county*: all the acts passed in October 1785; except *An act establishing a certain agreement made between the proprietors of the towns of Addison and Panton, in the county of Addison*; *An act for ascertaining the expence of making surveys in certain cases therein mentioned*; *An act to render more effectual several acts passed by the General Assembly of this State, to enable the towns or persons, in said acts respectively named, to levy and collect certain specified taxes on each acre of land, mentioned and described in said acts*; *An act to vacate the record of a deed on the book of records in the Town Clerk's office in the town of Windsor*; *An act against taking or destroying whitepine or any other valuable timber*; and *An act for settling disputes respecting landed property*: and all the acts passed in October 1786; except *An act to prevent the sale and transportation of Negroes and Molattoes out of this State*; *An act to suspend the collection of a tax in Hartland, and directing the mode of paying the same*; *An act to enable the land owners of the town of Fairlee, in Orange county, to meet and transact the business therein mentioned*; *An act to enable the Judge of Probate for the district of Westminster to take the probate of the last will of Samuel Wells, Esq. deceased, or to grant letters of administration with the will annexed*; *An act empowering the proprietors of the township of the Two-Heroes, to pitch the undivided lands in said town*; and *An act for the purpose of making a distribution of the estate of William Fitch, late of Pawlet, deceased*.

Provided.

always, That nothing herein contained shall extend to any acts directing the recording of any deed or deeds; nor to any acts directing persons to sell land, or execute deeds thereof; nor to any private acts for the confirmation

## Suits brought from other States.

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confirmation of landed property ; nor to any acts empowering the sale of deceased persons estates ; nor to any acts for the collection of taxes, which have not had their full operation, or for exempting public lands from taxation ; nor to any acts incorporating ecclesiastical, or other societies, towns or parishes ; nor to any acts for altering the names of towns ; nor to any acts of pardon ; nor to any act for the regulation and establishment of town lines, or for the cutting roads in the northern part of this State ; nor to any act relating to the duty of the Auditors of accounts ; nor to acts made for granting land ; nor to any acts for giving further time of redemption to lands which have been sold ; nor to any act of naturalization ; nor to any acts respecting the coining of coppers in this State ; nor to affect any actions which have been commenced, and depend on any statute repealed by this act ; nor to any acts granting a new trial ; nor to any private act of what name or nature soever.

An act to place the subjects of the United States upon the same footing in suits at law, in which the subjects of this Commonwealth are put by their respective laws. Passed March 9<sup>th</sup> 1787.

**B**E it enacted by the General Assembly of the State of Vermont, That all articles, of what nature or kind soever, which now are, or hereafter shall, by the laws of any or either of the United States of North America, be made a lawful tender upon an execution, shall, during the existence of such laws, be a lawful tender to the inhabitants of such respective State, within this Commonwealth, upon any execution issued for discharging a contract made since the first day of July, 1782 ; and shall be appraised to the creditor in the manner directed by an act passed by the Legislature in this present session, entitled, *An act to make certain articles of personal property a tender on execution, in cases therein mentioned.* I.  
Articles made a tender by other States, to be a tender to their subjects on execution.

Be it further enacted by the authority aforesaid, That whenever any or either of the said United States, or either county therein, shall by reason of their civil commotions, tumults, riots, disorders, or for any other cause, be in such a situation that the inhabitants of this Commonwealth cannot by law recover debts in such State or county ; the inhabitants of such State or county shall be precluded from commencing any civil action in this Commonwealth, against any subject thereof, or from recovering any judgment against either of the subjects of this State, until the free exercise of law for the recovery of debts be restored to the subjects of this State, within such of the United States, or county therein. II.  
Who are precluded suing in Vermont.

And be it further enacted by the authority aforesaid, That so long as any of the civil authority, or judicial Courts, of either of the said United States, shall refuse to admit in evidence any official copies made in due form of law, as accustomed III.  
While the courts of other States refuse in evidence

the judicial proceedings of Vermont, the courts of this State not to admit their copies as evidence accustomed in this Commonwealth, by any Clerk of Court, Magistrate, or other officer thereof having lawful right to make and attest such copies, every Court and Justice within this State shall be, and hereby are prohibited receiving and admitting in evidence any official proceedings, offered as such, coming from any Court or civil or other authority of such State or States, and no longer.



Passed March 8, 1787. An act for the prevention and punishment of Riots, Disorders and Contempt of Authority.

Preamble. *FOR the better suppressing of riots, disorders and contempts of authority,*

I.  
Penalty for im-  
peaching an officer.

**B**E it enacted by the General Assembly of the State of Vermont, That if any person or persons shall impede or hinder any officer, judicial or executive, civil or military, under the authority of this State, in the execution of his office, he or they shall, on conviction thereof, pay a fine, not exceeding fifty pounds each : and if any person who shall be thereof convicted, shall not be of sufficient ability to pay such fine and costs of prosecution, it shall be in the power of the Court, before whom such conviction shall be had, to assign such person in service, to any citizen of this State, for so long time as shall be sufficient for payment of the fine and costs aforesaid.

For a second of-  
fence.

And if any person shall be a second time convicted of the like offence, he shall pay a fine not exceeding fifty pounds, and shall be imprisoned in any goal in this State for one whole year ; and if he be not of sufficient ability to pay such fine and costs, he shall be liable, at the expiration of his said imprisonment, to be assigned in service as aforesaid.

II.  
Penalty for  
breaking goal.

*And be it further enacted by the authority aforesaid,* That if any person or persons shall, directly or indirectly, break open, or aid and assist in breaking open, any goal or place of confinement, wherein any prisoner shall be confined by the authority of this State, he or they shall, on conviction thereof, pay a fine of fifty pounds, to the treasury of the county where such offence shall be committed, and shall be imprisoned six months ; and for a second offence of a like nature, shall pay a fine of fifty pounds, and be imprisoned one year.

III.  
Punishment of  
rioters.

*And be it further enacted by the authority aforesaid,* That when three persons, or more, shall come or assemble themselves together, to the intent to do any unlawful act, with force and violence, against the person of another, or against his possession or goods, wrongfully, or to do any unlawful act against the peace, or to the manifest terror of the people, and being required or commanded, by any of the civil authority, by proclamation to be made in the form herein after directed, shall not disperse themselves, and peaceably depart to their habitations or lawful business ; or being so assembled as aforesaid, shall do any unlawful act against the person, possessions



Punishment of Riots, Disorders, &c.

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possessions or goods of any man, or against the peace, and be thereof convicted before any Court proper to try the same, they shall be punished by fine not exceeding thirty pounds, or imprisonment not exceeding six months, and pay cost of prosecution.

That the order and form of the proclamation above-mentioned shall be as follows, that is to say, the person authorized by this act, shall, among or as near as he or they can safely come to said rioters, with a loud voice command or order silence to be made, whilst proclamation is making; and after that shall openly, and with a loud voice, make proclamation in these words, or like in effect, viz. *In the name of the State of Vermont, I command all persons being assembled, immediately to disperse themselves, and depart to their habitations, or to their lawful business, upon the pains contained in the law of this State, entitled, An act for the prevention and punishment of riots, disorders and contempt of authority.*

Form of proclamation.

And every Justice of the Peace, Sheriff, Deputy-Sheriff, or Constable, within their respective jurisdictions, are hereby authorized, empowered, and required, on notice or knowledge of any such unlawful and riotous assembly, to resort to the place where such assembly shall be, and there make proclamation as aforesaid.

Who to make proclamation.

*Be it further enacted by the authority aforesaid,* That if such persons so unlawfully assembled, or any three or more of them, after proclamation made as aforesaid, shall continue together, and not disperse themselves, that it shall and may be lawful, to and for every Justice of the Peace, Sheriff, Deputy-Sheriff, or Constable, where such riotous assembly shall be, and to and for every other person or persons, who shall be commanded to be assisting to such Justice of the Peace, Sheriff, Deputy-Sheriff, or Constable, (who are hereby authorized and empowered to command all or any of the inhabitants of this State, to be assisting them therein) to seize and apprehend, and they are hereby required to seize and apprehend, such persons so unlawfully and riotously continuing together after proclamation made as aforesaid, and forthwith to carry the persons so apprehended, before some Justice of the Peace, in order to their being proceeded against according to law.

IV.  
Rioters continuing together after proclamation made to be apprehended.

And if any of the persons so unlawfully and riotously assembled and continuing together as aforesaid, to the number of twelve, for the space of one hour after proclamation made as aforesaid, shall happen to be killed, maimed or hurt, in dispersing or apprehending, or in endeavoring to disperse or apprehend them, by reason of their resisting the person so dispersing, or endeavoring to disperse or apprehend them, then every such Justice of the Peace, Sheriff, Deputy-Sheriff, or Constable, and all and singular the persons being aiding or assisting to them or any of them, shall be freed, discharged and indemnified, from any bill, complaint, indictment, or action, that may be commenced against him or them on that account.

Indemnity of assistants, &c.

For the observation of the Sabbath.

V.  
Penalty for hin-  
dering proclama-  
tion.

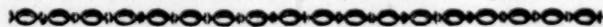
*Be it further enacted by the authority aforesaid,* That if any person or persons, do or shall, forcibly, wilfully, and knowingly, oppose, obstruct, or in any manner wilfully and knowingly oppose, let, hinder, or hurt, any person or persons that shall begin, or attempt to make the proclamation hereby directed to be made, whereby such proclamation shall not be made, and be thereof convicted by due course of law, he or they shall forfeit or suffer in manner and form as last aforesaid.

Penalty for not  
dispersing when,  
&c.

And that all and every such person or persons, so being unlawfully and riotously assembled to the number of three or more, to whom proclamation should or ought to have been made, if the same had not been hindered as aforesaid, shall likewise, in case they, or any of them, to the number of three or more, shall continue together, and not immediately disperse themselves after such let or hindrance so made, having knowledge thereof, and be thereof convicted in due course of law, shall forfeit and pay a fine not exceeding thirty pounds, or be imprisoned six months, and pay costs as aforesaid.

Provide.

*Provided always,* That no person or persons shall be punished by virtue of this act, unless prosecution be commenced within six months after the offence is committed.



Passed March 9,  
1787.

An act for the due observation of the Sabbath.

I.  
Penalty for  
working, &c. on  
the sabbath,

**B**E it enacted by the General Assembly of the State of Vermont, That no tradesman, artificer, labourer, or other person whatever, shall upon land or water, do any labour, business or work, of their ordinary calling, of any kind whatever, (works of necessity and mercy only excepted) nor use any game, sport, play, or recreation, on the first day of the week, or Lord's day, or any day of public fasting or thanksgiving, on pain that every person, so offending, shall forfeit and pay a fine, not exceeding ten shillings, as the nature of the offence may require: that whatever person shall on the Lord's day, in or near any meeting house, or place of public worship, by rude, profane or tumultuous behaviour, either in words or actions, or in any manner whatever, disturb those who shall be therein assembled for religious worship, shall incur a penalty, not exceeding forty shillings; and if the person convicted of any of the aforesaid offences be unable to pay, he shall be set in the stocks not exceeding two hours.

As for rude beha-  
viour.

II.  
Penalty for tra-  
velling.

*And be it further enacted by the authority aforesaid,* That every person who shall travel, journey, or drive a team, or drove of any kind, on said day, (unless in time of war, or some business that concerns the war, or that they are belated, and forced to lodge in the woods, wilderness or highway the night before, and in such case to travel no further on that day than the next inn, or place of shelter) shall pay a fine, not exceeding twenty shillings, as the nature of the offence may require.

That

For the observation of the Sabbath.

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That every person who shall go from his or her place of abode on said day, unless to or from the public worship of God, or on some work or business of necessity or mercy, shall pay a fine not exceeding sixteen shillings.

Penalty for going from home.

That whatever person or persons shall keep or stay at the outside of the meeting house, during the time of public worship, (there being sufficient room in the house) or unnecessarily withdraw themselves from the public worship to go without doors, or profane the time by playing or profanely talking, shall pay a fine, not exceeding six shillings.

For staying outside of the meeting house.

Provided, That all presentments or informations against any person or persons, for any of the abovementioned offences, be made within one month after the commission thereof.

Provide.

And be it further enacted by the authority aforesaid, That the Grand Jurymen, Tythingmen, and Constables, of each town, shall carefully inspect the behaviour of all persons on the Sabbath or Lord's day, and due presentment make of any profanation of the worship of God, on the Lord's day, or on any day of public fast or thanksgiving, and of any breach of Sabbath which they, or any of them, shall see or discover any person to be guilty of, to the next Justice of the Peace, who is hereby empowered to proceed therein according as the nature of the offence requires.

III. Grand jurors, &c. to make presentment.

That each Grand Jurymen, Tythingman, or Constable, shall be allowed three shillings per day for each day that he shall spend in prosecuting such offenders, to be paid by the person offending, or the parent, guardian or master of such person, when he is under age; and all fines imposed for the breach of this act on minors, shall be paid by the parents, guardians, or masters, (if any be) otherwise such minors to be disposed of in service to answer the same; and upon refusal or neglect of payment of such fines, and charges of prosecution, the offender may be committed, unless he be a minor, in which case execution for the fines and charges shall go against his parent, guardian, or master, after the expiration of one month next after the conviction of such minor, and not sooner.

Allowance to grand jurors, &c. for prosecuting.

Fines of minors how paid.

Provided, That no persons prosecuted on this act, shall be charged with more than for one person prosecuting him for such offence.

Provide.

But if any children or servants, not of the age of discretion, shall be convicted of such profanation or disturbance, they shall be punished therefor by their parents, guardians, or masters, giving them due correction, in the presence of some officer, if the authority so appoint, and in no other way; and if such parent, guardian, or master, shall refuse or neglect to give such due correction, that every such parent, guardian, or master, shall incur the penalty of five shillings.

Children under the age of discretion to be corrected.

And every Justice of the Peace, Constable, Grand Jurymen, and Tythingman, are hereby required to take effectual care, and endeavour that this act, in all the particulars thereof, be duly observed.

Justices, &c. to see this act observed.

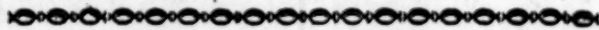
And



Appointing and supporting Schools.

IV.  
When writs, &c.  
may not be served

*And be it further enacted by the authority aforesaid, That no person, between the hours of twelve in the night next preceding, and twelve in the night next succeeding, the Lord's day, shall serve or execute any writ, process, warrant, order, judgment, or decree, (except in cases of treason, felony, or breach of the peace) but the service thereof shall be void, and the person serving the same shall be as liable to answer damages to the party grieved, as if he had done the same without any writ, process, warrant, order, judgment, or decree.*



Passed March 3,  
1787.

An act for appointing and supporting Schools.

Preamble.

*FOR the due encouragement of learning, and the better regulating and ordering of Schools,*

I.  
Towns may di-  
vide into districts  
& appoint trust-  
ees of schools.

**B**E it enacted by the General Assembly of the State of Vermont, That each town in this State which cannot conveniently be accommodated by one school, shall have power, and they are hereby empowered, in any legal town meeting, by such way and means as they shall devise, to divide into so many districts as they shall find convenient, and the same to alter from time to time: and each town shall appoint one or more meet person within each district, to continue until others shall be chosen, who, together with the Selectmen of the town, shall be Trustees of schools in such town: and such Trustees, or the major part of them, and their successors, shall have power, and they are hereby authorized and empowered, to appoint and remove Schoolmasters, to lease such lands and real estates, and loan such monies, as do or shall appertain to such schools, or are or shall be given for the use aforesaid; and to commence any suit or suits that may be necessary for the recovery and obtaining of such lands, monies, and other estates, and to take leases, bonds, and other securities, to themselves and their successors, for the use of such schools, and to sue and recover thereon: and the Trustees shall annually pay over the money arising from the lease of such lands, and other real estate, and loan of such monies, to a Committee of each district respectively, in proportion to the number of scholars in each school; and all such bonds, leases, and other securities, shall by said Trustees be lodged with the Town Clerk of the town, who is directed and required to keep an account thereof, and hold the same under the direction of said Trustees, for the purpose aforesaid: and such Trustees shall render an account of their doings, in respect to such their trust, to the town by whom they were appointed, when thereunto required.

Their duty and  
power.

Selectmen to  
warn district  
meetings.

And upon application of three or more inhabitants of such district, to the Selectmen of such town, to warn a meeting of the district, the said Selectmen are required forthwith to notify to the inhabitants of such district, by affixing an advertisement, in some public place in said district, that they meet to chool a Moderator,

## Regulating Schools.

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a Moderator, District Clerk, a Collector of rates, and a Committee of one or more persons to take care of the prudential affairs of the district for which they are chosen, at least twelve days before such meeting. And the Committees shall have power, and they are hereby empowered, in their several districts, to raise one half the money that shall be necessary for building and repairing a schoolhouse, and supporting a school, in their respective districts, by a rate on the list of the polls and rateable estate of the inhabitants of such districts; and the several districts are further empowered, at any meeting warned for that purpose, to raise the other half of the money for the purposes aforesaid, either by a tax on the list of the polls and rateable estates of the inhabitants of their respective districts, or by subscription, in proportion to the number of children any person shall send, or subscribe to send, to such district school: and in every of the above cases, the Committees shall make the whole into a rate bill, by a just estimation in money, according to the true intent and meaning of such vote or subscription, as aforesaid: and if the same shall not be paid by the time appointed, they shall deliver such bill to their respective Collectors, with a warrant to collect the same, signed by some Justice of the Peace. And such Collector shall have the same power in collecting district taxes, as the Collectors of town rates, and shall be accountable to their respective Committees for the sum due on such bill: and the District Committees shall severally have the same powers with respect to lands, or any other interest or estate, given, granted, or in any wise set apart, for the use of schools in their respective districts, as are in this act given to Trustees of town schools, and shall be in like manner accountable to their several districts.

And the Judges of the County Courts, in their respective counties, shall have power to appoint Trustees of county schools, who shall have the same powers, in all matters relating to their trust, as Trustees of town schools, and shall be in like manner accountable to the Judges by whom they were respectively appointed.

And be it further enacted by the authority aforesaid, That all Trustees and Committees of schools, shall have full power to purchase any lands or other estate, and to sell and alienate such lands and estate, so by them purchased, for the use of their several schools, under the direction of the Judges, town, or district, by whom they were appointed: and if any Trustee, or Committeeman, shall embezzle, misapply, or conceal, any money or estate, belonging to any town, county, or district, for the use of schools as aforesaid, he shall be liable to be removed, and to be sued in an action of account, by an agent or agents for that purpose appointed by the town, Judges of County Courts, or district, by whom such Trustee or Committeeman was appointed; and if it shall be found on trial, that such Trustee or Committeeman has embezzled, misapplied, or concealed, any money or other estate, as aforesaid, judgment shall be rendered against him or them, for double the sum so embezzled, misapplied, or concealed: and such action, commenced by order of the Judges of

May choose officers.

How money to be raised.

Committee to make a rate.

If not paid.

Collectors power.

District committees power.

Trustees of county schools, who to appoint.

II. Power of trustees.

Penalty for embezzling.

the County Court, shall be prosecuted and determined before the Supreme Court, in said county.

*Provided always,* That this act shall not extend to any estate formerly granted, or to be granted, by any person or town, for the benefit of any particular school or schools, wherein the grantor hath committed the trust thereof to any person or persons, with direction for a continual succession in such trust; any thing contained in this act to the contrary notwithstanding.



Passed Feb. 13,  
1781.

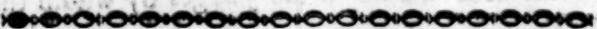
An act pointing out the office and duty of the Secretary of State.

I.  
Public acts to be  
deposited with  
Secretary.

**B**E it enacted by the General Assembly of the State of Vermont; That all public acts, papers, and records, that belong to the State, excepting the particular records and papers of the Council, be deposited and remain in the hands of the Secretary of State. And that it be the duty of the Secretary to keep a regular office, to attest and register all the proceedings of the General Assembly of this State, charters of incorporations, and all and every grant of lands made within this State, and to receive on file and grant copies of all records when thereto requested, taking therefor reasonable fees; and to do and perform every other act proper for a Secretary of State.

II.  
Secretary to attend the assembly.

*Be it further enacted by the authority aforesaid,* That the Secretary of State give his constant attendance, by himself or Deputy, at every session of the General Assembly; and on default thereof, to forfeit the sum of one hundred pounds, lawful money, to the treasury of this State; to be recovered by the Treasurer, by order of the General Assembly, by bill, plaint, or information, before any Court proper to try the same.



Passed March 9,  
1787.

An act regulating the office and duty of Sheriffs.

I.  
Sheriffs to give  
oath, & take  
sureties of office.

**B**E it enacted by the General Assembly of the State of Vermont; That there shall be a Sheriff appointed according to the Constitution, and duly qualified to execute the Sheriff's office, in each of the counties in this State; who shall become bound to the Treasurers of their respective counties, before the first Judge of the County Court, with two sufficient sureties, freeholders within this State, by a recognizance, in the sum of three thousand pounds, for the faithful discharge of said office, and for the answering all such damages as any person or persons shall sustain, by any unfaithfulness or neglect in the same; and before he executes said office, shall before the first Judge of the County Court as aforesaid, take the oath required by law to be taken by such as execute the said office, and shall receive a commission from the Governor, or in his



## Sheriffs Duty.

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his absence the Lieutenant-Governor, certifying him to be elected or appointed as aforesaid, and authorizing him to execute said office. And any person, being so commissioned, shall be accounted the lawful Sheriff of the county for which he is appointed, and shall have full power and authority to execute all lawful writs within their respective counties, to them directed, coming from lawful authority. His power.

And shall have full power, within their respective counties, to conserve the peace, and to suppress with force and strong hand, when the necessity of the case shall so require, all tumults, riots, routs, and other unlawful assemblies; and to apprehend without warrant, all such as they shall find so as aforesaid, appearing in the disturbance of the peace, and cause them to appear before the next Justice of the Peace, who may, as the case after enquiring therein may require, bind over such offenders to the next County Court in that county wherein the offence is committed; which Court, upon conviction, shall punish them, and every of them, according to law.

That the Sheriffs aforesaid shall have full power to command such a number of suitable persons; within their respective counties, as they shall judge needful, to assist them in the execution of their office, in every branch thereof: and whosoever being of age and ability, and being so commanded, shall neglect or refuse to yield his assistance to any Sheriff in the execution of his office, and be thereof convicted before any Court proper to try the same, shall pay a fine not exceeding ten pounds, and costs of prosecution. Penalty for neglecting assisting Sheriff.

And each and every Constable in this State shall, within their respective towns, have power equal to what is hereby given to Sheriffs in their respective counties. Constables power in their towns.

And in case great opposition shall be made against any Sheriff in executing lawful writs and processes, or in case there be a suspicion that such opposition will be made, such Sheriff is hereby authorized, by and with the advice of two Justices of the Peace, one whereof to be a Councillor, Judge of the Supreme Court, or Judge of the County Court in such county, and such other Justices as may be present, to raise the militia of the county, or so many of them as they may judge needful, and shall proceed therein, and be indemnified, as is provided by the law, entitled, *An act for prevention and punishment of riots, disorders and contempt of authority.* And all military officers and soldiers are hereby commanded to yield obedience to the Sheriff's commands in such cases, on the pains and penalties herein after mentioned. Sheriff may raise the posse by advice.

That if any commissioned officer or soldier, belonging to this State, shall neglect or refuse to obey the orders of the Sheriff, under the regulations aforesaid, and be thereof convicted before any Court proper to try the same, such officer shall pay a fine not exceeding fifteen pounds; and every such soldier shall pay a fine not exceeding five pounds, and the charges which shall arise. And the charges which shall be sustained by the public in the suppression of such riots, shall be paid by any or all of the persons who shall be convicted, in manner.

Sheriffs Duty.

Where charges of suppressing riots are to be defrayed

manner and proportion as shall be directed by the Court taking cognizance of the offence.: and in case no estate, or not sufficient to answer the said charges and damages, can be found, it shall be paid out of the county treasury where such case shall happen, and for want of money in the treasury of said county, it shall be paid out of the treasury of this State.

Wages of Sheriff's assistants.

And the wages of such officers, soldiers, and other persons commanded to the assistance of the Sheriff, shall be five shillings per day for a Captain, three shillings per day for a subaltern, and two shillings per day for each centinel, or other person employed in such service, beside such subsistence as shall be allowed by the Court.

Power to search.

And the Sheriffs shall have full power to search the houses in their respective counties, for any persons they shall have warrants from proper authority to apprehend, in matters of delinquency, or of a criminal nature: and any person who shall refuse the Sheriff entrance into his house, or threaten him if he does enter, or abuse him or his assistants when he or they shall have entered the house of any person, although it is by force, on such an occasion, and be thereof convicted, shall forfeit and pay a fine not exceeding twenty pounds, and all damages that shall arise from such disorder.

Penalty for resisting or abusing Sheriff, &c.

The like power given to constables.

And the Constables shall have the like power and authority in their respective towns, and all persons opposing them shall be subject to the same penalties.

And the Sheriffs shall not return that they cannot do execution.

*And the more effectually to oblige Sheriffs and Constables to do their duty,*

II. Sheriff & constables to receive & execute writs;

*Be it further enacted by the authority aforesaid,* That Sheriffs and Constables shall receive all manner of writs, in any places, and at any times, within the limits of their jurisdiction, when and wheresoever they shall be tendered to them; and shall execute the same, and make return thereof according to the directions therein given.

to receipt the same.

And any person may demand of the Sheriff or Constable to whom he delivers any writ, to give a receipt therefor under his hand, wherein the names of the parties, the sum or thing in demand, the date of the writ, and of its delivery, shall be contained; and on his refusal others present may set their hands as witnesses to such delivery.

To be fined and pay damages.

And if such Sheriff or Constable shall not execute the writ, or shall neglect to make return thereof, or make a false or undue return, on complaint made to, or action brought before, the Court or Justice having cognizance of the same, the Court or Justice may inquire thereof by the evidence produced, and if he be found in default, the Court or Justice may set a suitable fine upon him, and award damages to the aggrieved party, having respect to the quantity and quality of the action, and the peril that might have happened to him by the delay which he suffered.

Which process against such Sheriff or Constable shall be served at least fourteen days before the sitting of the Court wherein it is to be tried.

And

Sheriffs Duty.

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And when any Sheriff or Constable shall be sued for not executing, or duly returning, a writ of execution delivered to him to serve, there shall be no appeal or review in such case. No appeal or review.

*Provided*, A receipt be demanded or taken of the officer for such writ of execution, at the time of the delivery thereof. Provide.

*Be it further enacted by the authority aforesaid*, That whenever any Sheriff or Constable, by virtue of any writ of execution, shall seize any goods or chattels, to answer and satisfy such execution, and any person shall appear to receive such goods and chattels into his care, and shall give to such officer a writing well executed by such person, therein expressing the receipt of such goods and chattels, and thereby promising to redeliver the same to such officer, and shall fail of performing accordingly, and any action shall be brought by such Sheriff or Constable against such person, on such receipt, there shall be no appeal or review allowed or granted in such case. III.  
When Sheriff takes a receipt, no appeal, &c. allowed.

And that no Sheriff, Deputy-Sheriff, or Constable, shall be allowed to draw, or fill up, any writ, complaint, process, or declaration, in any case whatsoever, nor appear in any Court as an Attorney, for or in behalf of any person whatsoever. No Sheriff, &c. to fill a writ, &c.

And if it shall appear in any case that the writ, process, declaration, or complaint, was drawn or filled up, by any Sheriff, Deputy-Sheriff, or Constable, (their own cases excepted) the same shall be dismissed, and the plaintiff shall be nonsuited: any law, usage, or custom, to the contrary, notwithstanding. Otherwise plaintiff to be nonsuited.

And all processes served by any Sheriff or Constable, shall be by them returned to the Courts or Justices before which the cases are to be tried, before the time set in the processes for trial. Processes served to be returned.

*And be it further enacted by the authority aforesaid*, That the respective Sheriffs may appoint and empower two Deputies, and a goal-keeper, to act under them in each of their several counties, and no more. IV.  
Sheriff may have two deputies and a goal-keeper.

*Provided nevertheless*, That the Sheriffs in their respective counties shall have liberty, at the risque of the plaintiff, on special occasions, to depute any meet person to serve any particular writ or process; which deputation shall appear entered on the back of such writ or process: any thing in this act to the contrary notwithstanding. Provide.

*And be it further enacted by the authority aforesaid*, That no person shall be allowed to act as Deputy-Sheriff, until he take the oath of office. V.  
Deputy to take oath of office.

*Provided nevertheless*, That when any person shall be deputed to serve a writ on some special occasion, as aforesaid, and shall make oath before some Justice of the Peace that he truly and faithfully served the same, according to his endorsement thereon, and that he did not fill up said writ, and such oath being endorsed thereon, or properly certified by the authority administering the same, such service shall be good and valid in law: any thing in this act to the contrary notwithstanding. Provide.



Revised.

*Provided also,* That nothing in this act shall extend to prevent the Sheriffs, in their several counties, from deputing each other to serve as Deputies, in their respective counties.

VI.

Dep. Sheriff not qualified, writ to abate.

*And be it further enacted by the authority aforesaid,* That all writs and processes that shall be served or executed by any Deputy-Sheriff, not qualified as aforesaid, shall be void, and abate.

No fees for a non est return.

And no Sheriff, Deputy-Sheriff, or Constable, shall be allowed any fees for a *non est inventus* return, on any writ delivered to them to serve and return.

VII.

Penalty for neglecting to distribute public acts.

*And be it further enacted by the authority aforesaid,* That any Sheriff, or Deputy-Sheriff, who shall neglect for the space of one month, after receiving any proclamations of the Governor, acts, journals, or other proceedings of the Assembly, or warrants from the Treasurer of this State to Collectors of State taxes, to be by him dispersed, to carry them to the respective towns as directed, and to take a receipt of the Town Clerk of each town for the same, or in his absence of a Justice of the Peace, or one of the Selectmen of such town, shall, for every such neglect, forfeit and pay to the Treasurer of the county where the offence is committed, the sum of five pounds, lawful money, for each month's omission; to be prosecuted to effect by the State's Attorney for that county, before any Court proper to try the same, and recovered to and for the use of the county, and shall not be allowed any reward for such services, unless upon such receipts taken as aforesaid.

Passed Feb. 27,  
1787.

An act to prevent the spreading of the Smallpox.

Preamble.

*WHEREAS* many inconveniences have heretofore arisen, and may in future arise, by the spreading of the smallpox, without due regulation.

To prevent which,

I.

Selectmen to provide places for those who take the smallpox,

*BE it enacted by the General Assembly of the State of Vermont,* That when any person in any town within this State, shall be found to be infected with the smallpox, it shall be the duty of the Selectmen, by the advice of the authority of the same town, immediately to prepare a place for him or her, where it shall be thought by them most convenient to prevent the spreading of the same, and convey such infected person to such place, as soon as may be, unless a skillful Physician or nurse, who shall be applied to, shall judge that he or she cannot be moved without endangering his or her life; in which case it shall be the duty of the said Selectmen to let such person remain; and in both cases to take all prudent steps to prevent spreading the disease: and no such person shall come out of such infected or pesthouse until sufficiently cleansed, and liberty be first had and obtained from the Selectmen, or some person or persons by them appointed for that purpose.

And

Smallpox.

Stallions.

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And it shall be the duty of the said Selectmen, immediately to employ and procure a Physician or Physicians, and nurses, as well as necessaries for such persons, as the nature of the case may require, at the cost of the infected person, if such infected person, or his or her friends do not procure the same, and if he or she have no estate, at the cost and expence of the town where such person does belong.

and employ physicians & nurses.

*And be it further enacted by the authority aforesaid,* That if any person in any town within this State, shall voluntarily, either give or take, the infection of the smallpox, without first having obtained liberty from the Selectmen of the town, and under such directions, regulations and restrictions, as the said Selectmen shall find necessary, to prevent the spreading said infection, or shall break such regulations or restrictions, or any part thereof, and be thereof convicted before any Court proper to try the same, he shall forfeit and pay a sum not exceeding fifty pounds lawful money, at the discretion of the Court before whom the conviction shall be had, to be recovered by action or information, the one half to the person or persons who shall prosecute to effect, and the other half to the treasury of the town where such offence shall be committed, for the use of the said town.

II.  
Penalty for giving the disease, &c.

*Be it further enacted by the authority aforesaid,* That if any person shall know of any persons being infected in any manner with the smallpox in this State, contrary to the true intent of this act, and not immediately acquaint the authority or Selectmen of such town in which such infected person resides, or some of them, of the same, and be thereof convicted, he or she shall forfeit and pay a sum not exceeding ten pounds lawful money, at the discretion of the Court before whom the conviction shall be had; to be recovered and applied as aforesaid; and if the convicted person or persons, in either of the cases before-mentioned, shall not have estate sufficient to satisfy such judgment, and cost, the Court before whom the trial is had, is hereby authorized and directed, to dispose of him or her in service, a sufficient time to pay the same.

III.  
Penalty for knowing of another's having the disease and not informing.

An act for preventing Stone Horses running at large in this State.

Passed March 9<sup>th</sup> 1787.

**B**E it enacted by the General Assembly of the State of Vermont, That if any person shall suffer any stallion, of one year old and upwards, to run at large on any of the commons or highways in this State, whether fettered or not, it shall and may be lawful for any person to take up, castrate and impound, every such horse or colt; which castration shall be at the risque and charge of the owner. And if the owner is known, the impounder shall forthwith inform him thereof; and if being so informed, he shall neglect or refuse to redeem such horse or colt, within twenty-four hours after such notice given, by paying all cost and charge that hath arisen by reason of said stallion being taken up, castrated,

Stallions running at large may be castrated & impounded.

Proceedings if the owner does not redeem them

trated, impounded, and trouble of giving information, it shall and may be lawful for the Constable of the town where such horse or colt is impounded, to sell said horse or colt, at an outcry, after posting him ten days before such sale. And the monies that shall be collected by such sale, after paying the necessary charges, costs and damages, if any there be, shall be paid to the owner of such horse or colt. And if the owner is not known, the Constable of such town shall cry such stallion in the same, and in the three next adjoining towns, by posting his natural and artificial marks twenty days; and if no owner appears within twenty days, to dispose of such horse or colt as directed in cases where the owner is known, and neglected or refused to redeem them: and the monies arising from such sale or sales, if any there be, over and above all cost, charges, and damages, shall be put into the treasury of such town, where such horse or colt were impounded, there to be kept for the owner; and if the owner of such stallion doth not appear within one year after such impounding, the money shall belong to, and be appropriated to the use of the town where such stallion is impounded.



Passed March 3,  
1787.

An act concerning Strays and lost Goods.

The finder of  
goods to record  
them in town  
clerk's office.

**I**T is hereby enacted by the General Assembly of the State of Vermont, That whoever shall take up any stray beast, or find any lost goods of the value of five shillings, or upwards, the owner whereof is unknown, shall cause to be recorded in the Town Clerk's office of the town where they are found, a true description thereof, with the natural or artificial marks of the same, and the name of the keeper thereof, within twelve days after the finding of such goods or beast; and shall also advertise the same, in at least two of the most public places of the town where the same were found, upon penalty that the person so finding or keeping such goods or beast, and failing in his duty herein, shall for such default forfeit the value of such lost goods, or stray beast; one half to the complainer, and the other half to the Town Treasurer.

Condition of re-  
stitution.

And if the owner shall appear within six months after registering and advertising such lost goods, or stray beast, and make good his title, he shall have restitution of the same, first paying all necessary charges for the trouble and care taken about such goods or beast, and costs, which the next Justice of the Peace shall adjudge.

Goods to be ap-  
praised.

And if no owner shall appear within the said six months, such Justice may, on application, appoint three judicious freeholders, who shall, under oath, appraise such goods or beast according to the true and just value thereof in money.

Owner appearing  
goods to be re-  
stored.

And if the owner shall appear within said six months next after such appraisal, and make good his claim as aforesaid, and pay all necessary charges for the



the trouble and care taken about such goods or beast, and costs to that time, (to be adjudged of as aforesaid) he shall have restitution of the same, or the value thereof, at the election of the finder, according to the appraisal aforesaid.

And if no owner shall appear within twelve months and a day, after the registering and advertising of such lost goods or stray beast, the value thereof, according to the appraisal aforesaid, shall (after all just dues to the finder, keeper, and register, are defrayed) be to the use of the treasury of the town where such goods or stray beast were found. Owner not appearing, goods to be sold.

And the Selectmen of such town are hereby fully empowered to recover and receive the same, for the use of said town.

*Always provided,* That if the keeper of such lost goods or stray beast shall be faithful in taking care of them, such goods or beast shall be at the risk of the owner. And that no beast shall be taken up as a stray, except it be found in a suffering condition, or manifestly straying from its owner. Provide

An act for ascertaining the expence of making Surveys in certain cases therein mentioned. Passed Oct. 23 1785.

**B**E it enacted by the General Assembly of the State of Vermont, That where any surveys have been made of lands sold at public vendue for raising the land tax granted by the General Assembly, at their sessions at Westminster, in October 1783, and returned into the proper office as the law directs, and the cost of such survey has not been returned, or if the proprietor, landowner, or person employed to redeem such land, shall think the cost returned on such survey unreasonable, he may apply to two of the next Justices of the Peace, who shall, on such application, examine the matter, and shall allow for the cost of any such survey, such sum as they shall judge reasonable, and shall certify the same to the Clerk in whose office such survey is lodged; and the Clerk shall, in the redemption of any such land as aforesaid, take no more for the cost of survey than the sum that shall be so certified, and the legal interest; and the person entitled to the redemption money in such case, shall demand of the Clerk no more for his survey than the sum so allowed, and certified as aforesaid, with legal interest.

*And be it further enacted by the authority aforesaid,* That in case such Justices shall, on examination, determine the charges are too high, then the expence of such procedure shall be deducted from such redemption money, as may be assessed by such Court: and in case said Justices shall not abate such bill of cost as aforesaid, then the person applying shall pay all such expence.

I.  
Persons redeeming land, may apply to two Justices to liquidate surveying costs.

II.  
Who to pay the costs.

## Sureties and Scire Facias.

Passed March 3,  
1787.

## An act concerning Sureties and Scire Facias.

I.  
Persons not free-  
holders, to give  
bond of prosecu-  
tion.

A minute of  
bond to be made.

II.  
Bond to be given  
before issuing a  
warrant.

Provided.

III.  
Bail may endorse  
the writ.

**BE** it enacted by the General Assembly of the State of Vermont, That whenever any person or persons, not being freeholders in this State, shall apply to any person having authority to issue writs, for any process whatsoever, to bring or summon any person or persons to answer before any Court in this State, there shall be sufficient security given to the defendant or defendants, by way of recognizance, to the satisfaction of the authority signing such process, before the signing thereof, that the plaintiff or plaintiffs shall prosecute his, her, or their writ to effect, and shall answer all damages if a judgment shall be rendered against him, her, or them. A minute of which recognizance, with the name of the surety or sureties, and the sum in which they are bound, shall be made upon the said writ, at the time of the signing thereof, and signed by such authority: and if any writ be otherwise issued, the same shall abate.

*Be it further enacted by the authority aforesaid,* That no special warrant, to apprehend the body of any person, shall be granted by any Magistrate, before the person praying out such warrant has given sufficient surety or sureties, to the acceptance of such Magistrate, by way of recognizance, to the person complained of, that such person requesting the warrant will prosecute his complaint to effect, and answer all damages if he does not support it; a minute of which recognizance shall be made and signed as is herein before directed in civil causes: and if any warrant shall otherwise issue, the prisoner shall be discharged from the same, and recover his costs against the complainer.

*Provided,* That an informing officer shall not be obliged to give such surety, in the prosecution of criminals or delinquents.

*Be it further enacted by the authority aforesaid,* That bail may be taken by any person serving an attachment, causing the surety or sureties to endorse his or their names or marks on the precepts; by virtue whereof the surety or sureties shall be holden to satisfy the judgment, in case the return of *non est inventus* be legally made on the execution, unless just cause shall be shown to the contrary, at the return of a writ of *scire facias*, to be issued against such surety or sureties, by the creditor or creditors, within one year from the time of rendering the original judgment; or unless the surety or sureties shall render the body of the principal into Court, before entering the judgment upon the *scire facias*, (an officer being present) shall pay the costs upon the *scire facias*, and move to be discharged; in which case the Court shall direct an officer to receive the principal into custody, that his body may be taken in execution; and it shall be lawful for such officer to detain the principal so long as the Court shall direct, not exceeding twenty days from the rising of the Court.

And in case a writ of *scire facias* against the bail, issued within one year from the time of rendering the original judgment, shall be returned *scire feci*, and no just cause shown to the contrary, or the principal rendered as aforesaid, judgment shall be given for the original debt or damages, and costs, with the additional

Sureties and Scire Facias.

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additional costs of suit, and execution shall issue accordingly : and that no suit shall be prosecuted against any officer, or other person taking bail in manner aforesaid, where the bail shall be sufficient. Officer not to be sued if bail is sufficient.

And every surety of whom such recovery is had, or who shall otherwise sustain damages by being bail, shall have right to recover all such damages as he shall so sustain, against the principal. Bail may recover against principal.

*Provided*, That nothing herein contained shall be construed to prevent the bail from delivering the principal into Court, before or during the term in which the original judgment shall be entered, in discharge of him or themselves. Provide.

*And be it further enacted by the authority aforesaid*, That when any officer, or other person serving an attachment, or authority issuing a replevin, shall take insufficient bail, or sureties in the action, he shall be liable to answer all damages to the creditor or creditors, his or their executors, administrators or assigns, who may recover the same against the person taking such insufficient bail or sureties, his heirs, executors or administrators, in a special action on the case, to be brought for that purpose. IV.  
Officer taking insufficient bail, liable.

*And be it further enacted by the authority aforesaid*, That whenever the condition of any bond, legally taken by a Sheriff, Goaler, or other officer, for giving liberty to a debtor, being in confinement, shall be broken, such bond shall be assignable to the creditor, who may maintain action thereon in his or her own name, and shall be entitled to all privileges and advantages thereon, which the Sheriff or other officer taking the same would be if the suit was brought by him. And no action shall be maintained against any officer taking such bond, for an escape, or other cause mentioned in the condition thereof, unless the creditor shall have sued the bond taken by such officer, and assigned as aforesaid, and is unable to recover the debt or damages ; if the Sheriff, or other officer who took the bond, shall upon demand made, transfer such bond to the creditor : and if the signer of the bond shall be unable to satisfy the judgment recovered thereon, or if the creditor shall be unable to recover judgment against them on account of the neglect, laches or default of the officer, the creditor may sue the officer taking such bond, upon the original cause of action, and shall recover against him all damages which such creditor shall have sustained. V.  
Bond for liberty to a debtor assignable,  
  
and the obligor to be first sued ;  
  
if unable, the officer to pay damages.

*And be it further enacted by the authority aforesaid*, That when any Justice of the Peace shall have rendered judgment in any cause, on confession or otherwise, and before execution shall be granted thereon shall die, or be otherwise removed, the party recovering such judgment shall have right to a *scire facias*, returnable at the County Court of the county in which such judgment was had, or before a Justice of the Peace, if within his cognizance, against the defendant or defendants ; and upon producing to the said County Court or Justice, the record of the said judgment, or a copy attested by the Justice so VI.  
Scire fa. to issue on judgments recovered before justices who die, &c. before issuing execution.

removed,



Appointing County Surveyors.

removed, shall recover a judgment for such sum as shall appear to be unpaid, and for all additional costs; and execution shall issue accordingly.



Passed March 6, 1787. An act for appointing County Surveyors in the counties, and for directing and regulating them in the execution of their office.

I.  
County courts to  
appoint county  
surveyors.

**B**E it enacted by the General Assembly of the State of Vermont, That there shall be appointed by the County Courts of the respective counties in this State, from time to time, as there shall be occasion, one or more persons in each county in this State, of the most skilful and honest inhabitants of their respective counties, to be Public or County Surveyors, or Surveyors for laying out lands, and for running of the bounds of lands already laid out, according to their original grants, as need shall require; and for the running of lines between different proprietors and persons, and other services proper for a Surveyor to do; who shall be sufficiently skilled in the Surveyor's art, and be furnished with instruments suitable and sufficient for that service, who being first sworn by any Justice of the Peace to the due execution of his office, shall have full power and authority to execute said office, in the respective counties for which they are or shall be appointed.

Who shall be  
sworn.

Chainmen to be  
sworn.

That when and so often as any County Surveyor shall be employed in doing any service in his office, and there shall be occasion for carrying the chain to measure lines, that the men employed to carry the chain shall take the oath by law appointed for them; which oath such Surveyor is hereby fully empowered to administer to such chainmen, as he calls to his assistance as aforesaid.

Surveyors indemnified in running  
random lines.

That when a County Surveyor is called out to run any line between adjoining proprietors, and in order to find the course from boundary to boundary, he is obliged to run a random line to find the certain and true course, and in so doing runs on the land of adjoining proprietors, such Surveyors shall not be deemed guilty of trespass in so running such random line, but may lawfully do the same.

Proviso.

Provided, He do the said service in either of the months of March, April, October or November.

II.  
Penalty for op-  
posing surveyors,  
&c.

*Be it further enacted by the authority aforesaid,* That if any person or persons shall, by any way or means, oppose, hinder or interrupt, any County Surveyor, in the due execution of his office, or shall by any way or means oppose, hinder or interrupt, any Committee appointed by the General Assembly to run, fix or ascertain, the bounds or lines between particular townships or proprietors, or for other business, or any other person by them employed to assist in the running and fixing any such line, or doing any other business which such Committee shall be appointed for; every such offender shall incur the penalty of ten pounds, and be bound to his good behavior, with one or more sureties,

at

Swine. Regulating Tavernkeepers.

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at the discretion of the Court that hath cognizance of such offence ; the one moiety of which penalty to be paid to the Treasurer of the county wherein the offence is committed, and the other moiety to the person who shall prosecute the same to effect.



An act for restraining Swine from going at large.

Passed Feb. 29<sup>th</sup>  
1787.

*FOR the keeping of Swine within proper limits,*

**B**E it enacted by the General Assembly of the State of Vermont, That no swine shall be allowed to run at large on the highways or commons in this State; and if any person or persons shall allow his or their swine to run at large on the highways or commons aforesaid, it shall be the duty of the Hayward (and it shall be lawful for any other person) to impound such swine, and the owner or owners of such swine shall pay the poundage, by law allowed, before they are released out of pound. Swine running at large to be impounded.

*Always provided,* That every town in this State shall have liberty to agree otherwise, respecting the swine running within the limits of such town. Provided



An act for licensing and regulating Tavernkeepers.

Passed March 29<sup>th</sup>  
1787.

*FOR the better regulating taverns,*

**B**E it enacted by the General Assembly of the State of Vermont, That the Magistrates, Selectmen, Constables and Grand Jurors, of their respective towns in this State, shall some time in the month of March, annually, after the annual meeting for the choice of town officers, nominate the person or persons whom they, or the major part of them assembled for that purpose, think fit and suitable to keep houses of public entertainment in the said town, the ensuing year : which nomination being presented to the next County Court in that county, such Court may grant licences to such persons accordingly, to keep an house or houses of public entertainment for the year ensuing, and shall grant licences to no other persons in towns where such nominations have been made ; which licences shall be in force for one year next ensuing the sitting of the Court after such nomination, and no longer. I. Who to nominate tavernkeepers

*Provided nevertheless,* That if there shall be no such nomination made in any town or place, in any county in this State, where it shall be judged that a house or houses of public entertainment should be kept, the County Court in such county may grant licences to so many persons, living within such town County court may licence them

## Regulating Tavernkeepers.

or place as aforesaid, as to them shall seem necessary for the accommodation of the public : any thing in this act to the contrary notwithstanding.

Court may refuse licences.

But if the County Court is of opinion that the number nominated in any town is too great, they shall have liberty to lessen the same, and may also refuse to grant licence to such persons as shall appear to them not suitable for such trust, notwithstanding their nomination as aforesaid : and such Court shall take surety to the Treasurer of the county, in the sum of thirty pounds, of every such person to whom such licence shall be granted, for the due observance of all the laws of this State respecting tavernkeepers, or houses of public entertainment:

To take surety.

II.  
Court to assist tavernkeepers.

*And be it further enacted by the authority aforesaid,* That it shall be the duty of the several County Courts in their respective counties, in their discretion, according to the profits of the tavernkeepers in such counties, from time to time, to prefix the sums to be paid into the county treasury for the licences of such tavernkeepers, not exceeding the sum of ten pounds.

III.  
Authority to post tavernhaunters.

*Be it further enacted by the authority aforesaid,* That when and so often as the Authority, Selectmen, and Grand Jurymen, in any town, or where there is no Justice of the Peace living in any town, the Selectmen and Grand Jurors, shall understand that any man in such town is a tavernhaunter, or spends his time idly, at any such house of entertainment, they, or the major part of them, shall, at their discretion, cause the name of such tavernhaunter to be posted at the door of every tavern in the same town, by setting up a certificate under their hands, forbidding every tavernkeeper in such town, on the penalties contained in this act, to entertain, or suffer the person therein named, to have or drink any strong liquors, of any kind whatsoever, in or about their houses, until such Authority, Selectmen and Grand Jurors, shall annul such prohibition. And if such tavernkeeper shall, after such posting of any person's name, and notice given by any of the said Selectmen or Grand Jurors, suffer or permit any person posted as aforesaid, to drink any rum, wine, or other strong liquor, in or about his house, or in any of the dependencies thereof, he shall pay, as a fine, the sum of ten shillings for every such offence.

Grand jurors, &c.  
to present breach-  
ers of this act.

And all Constables and Grand Jurors, in their respective towns, shall make presentment of all tavernkeepers who do not observe the laws aforesaid, nor keep due order in their respective houses, to the next County Court in that county, at their first sitting, and such Court shall cause the person so presented, forthwith to appear before them, to answer such presentment ; and if upon trial such tavernkeeper be found guilty, the Court shall enter up judgment for the forfeiture of the bond given, or procured to be given, by such tavernkeeper, and for costs ; and such person shall forthwith, before said Court, enter into a bond of sixty pounds, in the tenor of the former bond, which shall also be procured in like manner, in case of a forfeiture.

IV.  
Penalty for fel-

*And be it further enacted by the authority aforesaid,* That no person or persons whatsoever in this State (except such as have licence from the County Court



## Abatement of Taxes.

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Court of the county in which they dwell, for keeping a tavern or public house of entertainment, as in this act is provided) shall be a common innholder, taverner or seller of wine, beer, ale, cyder, or any other strong liquors, publicly or privately, by a less quantity than a quart of wine, rum or other such strong liquors, or a gallon of cyder, beer or such like drink, and that delivered and carried away all at one time, on the penalty of forfeiting and paying the sum of three pounds for the first offence, and the sum of six pounds for the second offence; and so double for every breach of this act he shall be convicted of: which fines shall be disposed of, half to him who complains and prosecutes to effect, and the other half to the county treasury.

Selling spiritous liquors without licence.

And when any person shall be duly convicted of keeping a tipling house, or selling strong beer, ale, cyder, metheglin, wine, rum, or mixed drink, or any strong dring whatsoever, under the quantities before mentioned, without licence first had and obtained from the County Court for the same, and shall be unable to pay the fine imposed by law for such transgression, together with the costs of prosecution, or shall not pay such fine or charges, and likewise give bond for good behaviour, if it be a second conviction, within the space of twenty-four hours after sentence declared, it shall and may be lawful for two Justices of the Peace, or the Court before whom the conviction shall be, to assign such offender in service, to any citizen of this State, for so long time as shall be necessary to satisfy said fine, and cost, or to restrain the offender in prison until such fine and charges are paid, or secured.

Persons unable to pay the fine, &c. to be bound out.

An act empowering the Authority and Selectmen of the several towns in this State to abate a certain part of the several taxes. Passed March 2, 1787.

*WHEREAS, it is impracticable (in some instances) to collect the several taxes assessed on the inhabitants, by reason of the death, removal, or extreme poverty of particular persons; and it being unreasonable that the Collectors should be chargeable therewith: Therefore,*

Preamble.

**B**E it enacted by the General Assembly of the State of Vermont, That the Authority and Selectmen of each town in this State be, and they are hereby, authorized and empowered to abate any part, or all, of any rate which has been assessed, or shall from time to time be assessed, on any such person or persons, inhabitants of any such town or towns where such authority and Selectmen reside, as may have died insolvent, or removed out of the State, or otherwise become unable to pay the same, after such taxes are assessed; or where it shall otherwise appear to such authority and Selectmen, that it is impracticable for any such Collector or Collectors to recover any such tax or taxes, and that such rate was not lost by the negligence or inattention of such Collector or Collectors;

1. Authority and selectmen may abate taxes.

Regulating Land Taxes.

Collectors: and the said authority shall take an account of the rates so abated, and the Collector shall, in presence of such authority, endorse the rates so abated, either in whole or in part; and the persons by whom such sums so abated were payable, shall thenceforth be discharged, according to the abatement so made.

Proviso.

*Provided always,* That the sum or sums so abated, in any such town, do not exceed one twentieth part of the whole of any such towns tax or taxes.

Collector obtaining a certificate, to be allowed on the tax.

And any such Collector or Collectors, obtaining a certificate under the hands of the major part of such authority and Selectmen of any such town; and delivered to the Treasurer, or person to whom the tax is payable, shall be received by him for such part of any such tax or taxes, as are particularly specified in such certificate: any act to the contrary notwithstanding.

II.  
Form of bills of abatement.

*And be it further enacted by the authority aforesaid,* That the following shall be the form or bills of abatement on State taxes, and that on other taxes, the bills shall be as near similar thereto as circumstances will admit of, viz. At a meeting of the authority and Selectmen of ———, on application of A. B. Collector of State taxes for said town, to abate part of a tax granted by the General Assembly, at their session in ———, 17—, of ——— on the pound, on the list of 17—; on due examination, we do hereby abate the sum of £—— on said tax.



Passed March 2,  
1787.

An act regulating the disposition of the Monies raised by tax on lands in the several towns, for the purpose of making roads, building bridges, &c.

Preamble.

*WHEREAS,* it is found, that the monies raised by taxing the lands, for the purpose of clearing and mending roads in the several towns, has not been so prudently expended as might be: and whereas, it is enacted, that any landholder having his land taxed, shall have the privilege of paying his tax in labour on said roads; yet the Collectors have heretofore given so short notice, that no person, unless those in the town where such tax is raised, could be benefited thereby.

Therefore,

I.  
Land to be advertised three months before the sale.

*BE it enacted by the General Assembly of the State of Vermont,* That in future the Collectors of taxes laid on lands for making and mending roads, (by grant of the Assembly) shall publish the same in the Vermont Gazette and Journal, at least three months before the sale of said land, and in the mean time there shall be a Committee appointed, whose duty shall be to superintend and see the work done: and if any person shall appear to pay his tax by labor, at any time before the day of sale sufficient to pay his tax, the said Committee shall set him to work on said roads, who shall have the privilege of working on such roads or bridges, until he has paid his tax, and his land shall not be sold at vendue.

Persons may work out their tax.

And

## Articles made a tender on Execution.

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*And to prevent disputes about the price of labor,*

*Be it enacted by the authority aforesaid,* That the price for labor shall be four shillings per day, the person boarding himself, in that season of the year from the first of May till the first of October, and in any other season three shillings per day.

II.  
Price of labor

An act to make certain articles of personal property a tender on execution, in cases therein mentioned. Passed March 23 1787.

*WHEREAS* through the scarcity of a circulating medium, it is very difficult to satisfy all debts in specie. *Therefore,* Preamble

**B**E it enacted by the General Assembly of the State of Vermont, That neat cattle, beef, pork, sheep, wheat, rye, and Indian corn, shall be a lawful tender, it turned out by the debtor on any execution; and it is hereby declared to be the duty of an officer having any execution, to levy the same on any or all the aforesaid estate, so turned out by the debtor: and such estate so turned out and taken in execution shall, unless the debtor shall within four days otherwise satisfy such execution, be appraised to the creditor, at the place where by the contract the payment was limited to be made, if within this State, or where no place of payment was mentioned in the contract, at the signpost in the town where the plaintiff lives, if within the State: but if the plaintiff shall live without the State, and no place of payment within the same shall have been limited in the contract, then at the signpost in the town where the property shall be taken, or other place where the parties may agree. And the appraisers of such estate shall be appointed in the same manner as the appraisers of real estate are by law to be appointed: and all reasonable charges of such appraisement shall be satisfied by the officer, out of the debtor's estate. And the appraisers before they proceed to execute their trust, shall take the following oath, which such officer is hereby empowered to administer, viz.

I.  
Neat cattle. And a tender on executions

The place of appraisals

Charges to be paid out of debtor's estate.

*You ——— being appointed to appraise such estate as shall be presented to you, do swear, that all partiality, prejudice, and other sinister respects laid aside, you will appraise the said estate according to the just value thereof in money, to the creditor or creditors who is to receive the same; and that you will do therein according to your best judgment and conscience. So help you God.*

Appraisers oath

*Provided always,* That this act shall not extend to executions issued on any judgment obtained, where the cause of action arose since the first day of July, 1782: and it shall be certified on such execution, at what time the cause of action on which judgment shall be rendered, did arise.

Provided

*And be it further enacted by the authority aforesaid,* That when the article turned out by the debtor, and appraised to the creditor as aforesaid, shall sur-

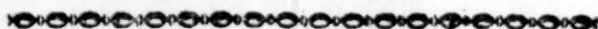
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Remedy against Tenants in Common. Theft.

Where the article  
appraised sur-  
mounts the debt,  
the how paid, &c.

mount the sum due on the execution and costs, such surplus shall be payable by the creditor, at his or her dwelling-house, if within this State, to the debtor on his demand, in either of the articles herein before made a tender on execution: and if the creditor is not an inhabitant of this State, the same shall be payable at the dwelling-house of the creditor's agent or attorney, in the articles aforesaid.



Passed March 3,  
1787.

An act giving remedy against Tenants in Common, &c. who are delinquent in payment of Taxes.

Preamble.

*WHEREAS it is necessary to give relief to such coparceners, joint tenants, and tenants in common, who have paid, or shall pay, their proportion of any tax or taxes, which have been or shall be assessed on lands lying in common, when part of such lands have been, or shall be sold, for payment of such taxes. Therefore,*

County Courts  
power to relieve  
tenants in com-  
mon, &c.

*BE it enacted by the General Assembly of the State of Vermont, That it shall and may be lawful for any County Court of the county in which such land as aforesaid has been or shall hereafter be sold, upon application of any one or more owners of land held in coparcenary, jointenancy, or in common, to nominate and appoint two or more discreet freeholders, (who shall be sworn by any Justice of the Peace of the same county, to the faithful discharge of their trust) to appraise the land so sold, or which may hereafter be so sold, for the payment of taxes; and to set off to the part owner or owners who have not been delinquent, so much of the remainder of the land so held in coparcenary, jointenancy, or in common, as the said appraisers shall judge to be a full recompence for the land so sold, and necessary charges, which such part owner or owners not delinquent, shall have been at in procuring such recompence; and the certificate of such appraisers, or the major part of them, that they have set off such land to such part owner or owners, recorded in the Town Clerk's office, or for want thereof, in the County Clerk's office, shall vest the title of said land, so set off, in the person or persons to whom the same shall be set off, in severalty, in as full and ample a manner as a deed from the delinquent owner or owners might or could have done.*



Passed Feb. 20,  
1787.

An act for the punishment of Theft.

Penalty for steal-  
ing.

*BE it enacted by the General Assembly of the State of Vermont, That whatever person shall steal any money, goods or chattels, and be thereof convicted, shall make restitution thereof, and forfeit and pay treble the value of the money,*

Theft. Timber.

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money, goods or chattels, so stolen, unto the owner or owners thereof, and be further punished by fine, at the discretion of the Court or Justice that hath cognizance of such offence, not exceeding ten pounds, or by whipping on the naked back, not exceeding thirty-nine lashes.

And if any such offender be unable to make restitution, and pay such three fold damages, he or she shall make satisfaction by service; and the prosecutor shall be, and is hereby empowered, to dispose of such offender in service, for such time as he or she shall be assigned to such prosecutor by the Court before whom the prosecution shall be; which such Court is hereby empowered to do, for the payment of such damages, and recompence of such goods stolen.

Thief unable, to be disposed of in service.

And if any person or persons shall conceal or harbour any thief, or receive any stolen goods, knowing them to be such, unless with intent to restore them to the owner, every such person so concealing or receiving, shall suffer and be punished as he or they who commit the theft.

Penalty for being accessory.

And every Justice of the Peace in the county where such offence shall be committed, is hereby authorized to hear and determine all offences against this act, when the value of the goods stolen shall not exceed two pounds.

Justices jurisdiction.



An act against taking or destroying White-Pine, or any other valuable Timber.

Passed Oct. 27, 1785.

*WHEREAS* many persons sustain damages by their timbers being destroyed in Connecticut-River. Which to prevent in future,

Preamble

**B**E it enacted by the General Assembly of the State of Vermont, That whosoever shall stop, take away, destroy, or in any way damage, white-pine, or any other valuable timber, having any artificial mark thereon, or deface such mark on any timber, within the banks of the River Connecticut, and be thereof legally convicted before any Court within this State proper to try the same, shall pay to the owner or owners of such timber, treble damages, and cost of prosecution.

I. Penalty for taking timber out of Connecticut-river.

*Provided always, and be it further enacted by the authority aforesaid,* That when such logs or valuable timber, shall be left by any flood or freshet in the inclosure or on the improved land of any person, to the prejudice of his, her, or their land, or private business, or in any public highway, green or common, to the prejudice of the public, and such timber be removed, and a true record of the length, diameter, and artificial marks thereof, made by the Town Clerk of the town where such timber lies, and the owner shall not within nine months next after such record, take away such timber or logs, and pay all necessary cost and damage, such logs or timber shall be to his, her, or their use whose land it is left upon; but if on an highway, to him who booked it: any thing in this act notwithstanding.

II. Proceedings where logs are left on improved land by a freshet.

An

Passed March 9,  
1787.

An act directing Town Clerks in their Office and Duty.

I.  
Town clerks to  
record marriages,  
&c.

Who to bring in  
for record, &c.

Penalty for neg-  
lect.

Grand jurors to  
make presentment.

II.  
Town clerks to  
send to the trea-  
surer the names  
of their first con-  
stables.

Penalty for neg-  
lect.

III.  
Town clerk to  
record deeds.

Votes, &c. on  
his oath.

Selectmen to fur-  
nish town books.

Penalty for omis-  
sion.

**B**E it enacted by the General Assembly of the State of Vermont, That it shall be the duty of the Town Clerk or Register, in every town in this State, to record all marriages, births and deaths, of persons in their towns; and that all parents and masters shall bring in to the Clerk of the town to which they belong, the names of such persons who shall have been born, or shall have died, while under their charge or care: in like manner it shall be the duty of executors and administrators, to present to the Town Clerk for record, the name of the deceased to whose estate they are executors or administrators; also that every new married man shall bring the time of his marriage, sufficiently proved, either by a certificate from the person who married him, or by other legal proof, to the Clerk of the town where one of the parties reside, or the marriage shall be solemnized, within one month after such marriage, birth or death: and every person so neglecting, shall forfeit the sum of four shillings for each month's neglect.

And the Clerks of every town shall, as far as they are able, give in an account of all such neglects to the Grand Jury, who shall make presentment thereof to the next Justice of the Peace; which forfeitures shall be paid to the Town Treasurer.

*And be it further enacted by the authority aforesaid,* That the several Town Clerks in this State, shall respectively cause to be delivered to the Treasurer of the State, certificates of the names of the first Constables of their towns, at or before the rising of the next session of the Legislature after such Constable shall be chosen, on penalty of forfeiting to the treasury of the State, five pounds for each neglect; to be sued for and recovered in behalf of this State, by the Secretary of the State for the time being, in an action to be brought on this statute, in his own name.

*Be it further enacted by the authority aforesaid,* That there shall be a suitable book or books for registering, kept in each town in this State, (at the cost of the town) with an index or alphabet to the same: in which book or books, the Town Clerk shall record every mans house and lands granted and measured out to him, with the bounds and quantities of the same, and date the time of his entering all such records. And the Town Clerk in each town shall keep the town book or books in their respective towns, and shall truly enter in the said book or books, all votes of the said town, grants or conveyances of lands, choice of town officers, and the other town acts and matters, upon his oath; (except when at any town meeting he shall necessarily be absent) and shall grant copies of the same, as need shall require, for reasonable satisfaction:

And it is hereby declared to be the express duty of the Selectmen of any town, upon application of the Town Clerk, to furnish him with any or all the books before named, as the same shall be needed. And every town which shall be unfurnished with such books, or either of them, shall forfeit for each month's omission,



Town and other Public Meetings.

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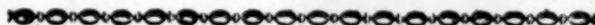
omission, the sum of ten shillings for each of the said books, to be recovered by any person who will sue for the same; one half to his or their use, and the other to the use of the county treasury of the county where such town lies.



An act for empowering the Inhabitants of the respective Towns in this State, Passed Feb. 1787.  
to tax themselves on certain occasions:

*TO enable the several towns to raise money to defray their contingent expences,* Preamble.

**B**E it enacted by the General Assembly of the State of Vermont, That the inhabitants of the respective towns in this State, having previously received at least ten days warning from their Selectmen, of the matter to be debated, be, and they are hereby authorized, at their annual or any other town meeting, to grant a tax upon themselves for support of the poor in such towns, for defraying their incidental charges, or for any other purpose which they may deem necessary, not inconsistent with the constitution and laws of this State. Towns may tax themselves.



An act for regulating Town and other Public Meetings, and directing the choice of Town Officers. Passed Feb. 1787.

*FOR preserving decorum in public meetings, and better regulating the choice of Town Officers, and Petit Jurors,* Preamble.

**B**E it enacted by the General Assembly of the State of Vermont, That when any town, society, or proprietors meeting, or the meeting of any other community, is lawfully assembled, if any person or persons whatsoever, shall in any such meeting or assembly, by tumultuous noise, quarreling, or any unlawful act, disturb such meeting, or hinder the members thereof from proceeding to the choice of their Moderator, or after the choice of their Moderator shall vilify or abuse him, or interrupt him in the discharge of his trust; or after he has commanded silence in such meeting, shall speak in the meeting to the disturbance of the business of the meeting, without the Moderator's leave first had and obtained, (unless it be to ask reasonable liberty to speak) such person or persons so offending in any of the particulars above-mentioned, contrary to the intent of this act, shall, for every such offence, forfeit and pay a fine not exceeding twenty shillings, to the treasury of the town where such offence is committed. i.  
Penalty for persons behaving disorderly in town meetings, &c.

All offences against this act to be heard and determined before any Justice of the Peace, unless where the offence be aggravated by some notorious breach

Town and other Public Meetings.

For notorious  
misdoers,  
persons to be  
bound to county  
court.

of the peace; in which case the offender shall be bound over by such Justice to the next County Court, to answer for such offence, which Court may impose such fine as the aggravation of the offence, in their judgment, deserves, not exceeding five pounds. And no such meeting shall be adjourned, but by the consent of the major part of the members present.

II.  
Selectmen to  
warn the meet-  
ing.

*And be it further enacted by the authority aforesaid,* That the Selectmen of each town in this State, shall set up a notification at such places as have been or shall be agreed on by the inhabitants who are by law qualified to vote in such meeting, to meet at the meeting-house, or some other convenient place by them appointed in such town, giving twelve days notice before the convening of such meeting; which shall be held some day in the month of March, annually, at ten o'clock in the morning; and where there shall be no Selectmen in any town, upon the application of four of the freeholders or credible inhabitants of such town, to a Justice of the Peace in the same county, requesting him to warn a meeting for the purpose of electing town officers, such Justice is hereby empowered and required to warn such meeting, in the same manner the Selectmen are directed to pursue.

To choose mode-  
rator and town  
officers.

And it shall be the duty of the inhabitants when met as aforesaid, to proceed to choose a Moderator for said meeting, and Town Clerk or Register; then they shall choose a number, not exceeding five, to be Selectmen, to take care of the prudential affairs of such town; also a Town Treasurer, one or two Constables, Listers not exceeding five, Collectors of town rates, Leather Sealers, one or more Grand Jurors, one Poundkeeper to each district in every town, one or more Tythingmen, Haywards, Fenceviewers, Surveyors of Highways, Sealers of weights and measures, and every other town officer that the law of this State shall direct.

Selectmen to see  
officers sworn:

And the Selectmen of such town shall forthwith, after such choice, see that all the officers are sworn to the faithful discharge of their respective offices, by a Justice of the Peace; or in case no such officer be present, by the Town Clerk, who shall make an entry in the records of such officer's being chosen and sworn; then the Selectmen, and Constable or Constables, with the Town Clerk, and such Magistrate as may be present, shall agree upon a number of men that may be thought by them to be their proportion of Petit Jurymen, to attend the Supreme and County Courts the ensuing year; which number shall be nominated by said authority, and chosen by the people present, and shall be able discreet freeholders.

Petit jurymen  
nominated.

Who are to be  
drawn out of the  
box.

And the Town Clerk shall write the name of each of the persons so chosen, on a piece of paper, and put them into a box provided at the town cost for that purpose, and kept in his office: and when the Constable shall receive any warrant from the Clerk of the Supreme or County Court, to summon any number of men for Jurymen, to attend and serve as such at any of said Courts, he shall repair to the Town Clerk's office, and in his presence, or in case he shall be absent, in the presence of one of the Selectmen of such town, draw out

## High Treason, and Misprision of Treason.

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out of said box the number his warrant directs him to summon; and having so done, he shall proceed to summon the men for Jurymen whose names are so drawn: but if any of the men whose names are so drawn are gone from home, or sick, or otherwise unavoidably hindered from attending said Court, his name or names shall be returned into the box, and others in their room drawn and summoned as aforesaid.

And in case at any time the number of Jurymen to be summoned is more than there remains in the box, the Constable shall, at his discretion, summon a sufficient number of able discreet freeholders to supply such place.

If the number is not in the box, constable to summon others.

*And be it further enacted by the authority aforesaid,* That if any person shall be chosen to any of the offices aforesaid in this act, and shall refuse to serve therein, or take the oath required by law, if he be able in person to execute the same, he shall forfeit and pay to the Treasurer of the town where he belongs, a fine not exceeding four pounds; except such person shall make it appear to a Justice of the Peace before whom the case shall be tried, that he is oppressed by such choice, or that others are unjustly exempted.

III.  
Penalty for refusing to execute an office.

*And be it further enacted by the authority aforesaid,* That if the inhabitants of any town in this State, having more than thirty families therein, shall neglect or refuse to choose any or either of the officers which by this act they are directed to choose, such town shall forfeit and pay to the treasury of the county in which such town lies, a sum not exceeding ten pounds for each officer so neglected to be chosen; to be recovered by the County Treasurer, by action of debt, complaint or information.

IV.  
Towns refusing to choose officers to pay fine, &c.

## An act against High Treason, and Misprision of Treason.

Passed March 3,  
1787.

**B**E it enacted by the General Assembly of the State of Vermont, That if any person or persons, belonging to, or residing within, this State, and under the protection of its laws, shall levy war against this State, or the government thereof; or knowingly and willingly shall aid or assist any enemies, at open war against this State, by joining their armies, or by inlisting, or procuring others to enlist, into such armies; or by furnishing such enemies with arms, ammunition, provisions, or other articles, for their aid and comfort; or by carrying on a treacherous correspondence with them; or shall form, or be any way concerned in forming, any combination, plot, or conspiracy, for the betraying this State into the hands or possession of any enemy, State or power; or shall give, or attempt to give, or send, any intelligence to any State or power for that purpose; or shall conspire, or attempt, any invasion, insurrection, or public rebellion, against this State; every person so offending, and being thereof convicted before the Supreme Court, shall suffer death.

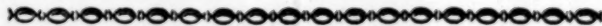
I.  
Punishment of treason.

And



II.  
Penalty for m.  
prison of treason.

*And be it further enacted by the authority aforesaid, That if any person or persons, belonging to, or residing within this State, and under the protection of its laws, shall endeavour to join the enemies of this State, or use their influence to persuade or induce any person or persons to join, aid, comfort or assist them, in any way or manner whatsoever, or shall have knowledge of any person or persons endeavouring, or using their influence as aforesaid; or shall have knowledge of any person or persons secretly conspiring or attempting any invasion, insurrection, or public rebellion against this State, or forming any secret combination, plot or conspiracy for betraying this State into the hands of any other power, and shall conceal the same; such person or persons, being duly convicted thereof before the Supreme Court of this State, shall be punished by fine according to the nature and aggravation of the offence, and shall be imprisoned at the discretion of the said Court, not exceeding ten years.*



Passed March 3,  
1787.

An act for punishing of Trespases in divers cases, and directing proceedings therein.

I.  
Penalty for cut-  
ting timber, &c.

**B**E it enacted by the General Assembly of the State of Vermont, That no person or persons shall cut, fell, destroy or carry away, any tree or trees, timber or underwood whatsoever, standing, lying or growing on the land of any other person or persons within this State, without leave of the owner or owners of such lands; or shall be aiding or assisting therein, on pain that every person so cutting, felling, and destroying, or carrying away the same, or that shall aid or assist therein, shall for every such trespass forfeit and pay to the party or parties injured or trespassed upon, the sum of ten shillings for every tree of one foot over, and for all trees of a greater dimension three times the value thereof, besides ten shillings as aforesaid, and five shillings for every tree or pole under that dimension.

Proviso.

*Always provided, That the proprietors of common or undivided lands, in the respective towns, may grant liberty for the cutting or felling any tree or trees, or carrying away timber, wood or underwood, growing or lying on their common or undivided lands, under such regulations and restrictions, as they or the major part of them shall agree in their legal meeting; and if they shall see fit may appoint and empower their agents or attornies, in their place or stead, to prosecute any person or persons that shall trespass on their undivided lands, contrary to this act: and the like power is hereby also given to the inhabitants of the several towns in their respective town meetings, with respect to the timber, wood or underwood, growing or lying on lands within their townships, belonging to said town.*

*Provided*

Trespasses. Weights and Measures.

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*Provided also, and it is hereby enacted,* That when the Court or Justice before whom any trial upon this act shall be had, shall be well satisfied that the defendant was guilty through mistake, and that he really believed the timber or trees cut, destroyed, or carried away as aforesaid, were, when growing, on his own or some other person's land where he had a right to cut, that in such case the defendant shall be sentenced to pay to the plaintiff only the just value of the timber felled, taken away, or destroyed, and cost of suit.

II.  
Where defendant is guilty through mistake, to pay only real damages.

*Provided also,* That nothing herein contained shall authorize any person to recover more than the just value of any timber taken for the making or repairing roads or bridges, and costs.

Provide.

*Be it further enacted by the authority aforesaid,* That if any person or persons shall unlawfully throw down, or leave open, any bars, gates, fence or fences, belonging to or inclosing any common field, or any lands held in propriety or common, or belonging to any particular person or persons, he or they shall, for every such trespass, upon conviction thereof, forfeit and pay to the parties injured thereby, double damages and cost. That if any person or persons having their faces blacked, painted, or any ways disguised, shall either by day or by night, commit any of the trespasses aforesaid, or shall beat or abuse any person or persons, and be thereof convicted by due course of law; such person or persons so trespassing, shall, over and above the damages aforesaid, pay a fine not exceeding thirty pounds, as the nature of the trespass may require.

III.  
Penalty for leaving down bars, &c.

Penalty for committing trespasses in disguise.

*Be it further enacted by the authority aforesaid,* That every person who shall set fire on any lands in this State, that shall run into any other person's land, such person or persons setting such fire, or who shall be aiding or assisting therein, shall pay and satisfy to the owner or owners of the lands, all damages that shall be done by reason of such fire, except he or they make it appear that the damages happened by inevitable accident.

IV.  
Persons setting fire which runs into the land of other, to pay damages.

That every person or persons who shall unlawfully cut, or take away, any grass, corn or grain, growing, or without the leave of the owner, take or carry away any growing fruit, of what nature soever, or shall hurt, dig, pull up, or take away, any fruit trees, and the procurers or receivers of such persons, knowing the same, being thereof convicted before any Court proper to try the same, shall be fined at the discretion of the Court, according to the circumstances of the offence, not exceeding ten pounds.

Penalty for cutting grass, &c. hurting fruit trees and taking fruit.

An act regulating Weights and Measures.

Passed March 1787.

*To the end that weights and measures may be one and the same throughout this State,*

Prima facie.

*Be it enacted by the General Assembly of the State of Vermont,* That the Treasurer of this State shall provide one complete set of weights and measures, necessary

I.  
Treasurer to provide weights and measures.

## Weights and Measures.

necessary for the use of this State, according to the approved Winchester measure allowed in England, in the exchequer, namely, one half bushel, one peck, one half peck, one ale quart, one wine gallon, one two quart wine measure, one one quart, one pint, one half pint, one jill, and one half jill wine measure; one English ell, one yard; one set of iron weights, viz. one fifty-six pound weight, one twenty-eight pound weight, one fourteen, one seven, one four, one two, one one pound weight, and a suitable scale and beam necessary for the use of the same; also one set of brass weights, from one ounce to four pounds, after sixteen ounces to the pound, with six scales and steel beam, tried and approved according to said standard of Winchester; which shall be the public allowed standard throughout this State, for the approving and sealing all weights and measures; which weights and measures shall be provided by the Treasurer, at the expence of this State. And if the Treasurer shall neglect to procure all or any of the aforesaid weights, measures, scales or beams, and notify the same in both the public newspapers of this State, within six months next after the passing of this act, he shall forfeit and pay thirty pounds, one half to him who shall prosecute the same to effect, before any County Court in this State; the other half to the County Treasurer where the same shall be tried; and shall in like manner forfeit thirty pounds for every six months he shall so neglect, after the first six months aforesaid.

Penalty for neglect.

County treasurer to provide weights & measures to be fixed by the State treasurer.

Selectmen to provide weights & measures to be fixed by county treasurer.

And that each and every County Treasurer within this State, at the expence of their respective counties, within six months after such notice published as aforesaid, shall provide all the aforesaid weights, measures, beams and scales, according to the standard above-mentioned, approved and sealed by the Treasurer of this State, and notify the same, by posting the same in the most public place in each town in their respective counties. And the Selectmen of every town within this State, shall within six months next after such posting as aforesaid, provide, at the expence of the town, one half bushel, and one peck, of the following dimensions, viz. the half bushel in diameter within sides, not less than thirteen inches and three quarters of an inch, the pecks not less than ten inches and three quarters within sides, one half peck, one ale quart, one wine gallon, one two quart, one one quart, one pint, one half pint, one jill, and one half jill, wine measure; one English yard, one set of brass weights from one ounce to four pounds, avoirdupois weight, with scales and steel beam: all the above beams, scales, weights and measures, to be tried, approved and sealed, by the County Treasurer, according to the aforesaid standard of Winchester, provided by the respective counties as aforesaid; which shall be kept only for standards.

II. Approved steelyards allowed of.

And be it further enacted by the authority aforesaid, That all steelyards that are or shall be approved of by the standard, shall be allowed of in any towns in this State, and be at the liberty of both buyer and seller to weigh by.

III.

And be it further enacted by the authority aforesaid, That all weights, measures, scales and beams, provided by the respective towns within this State as aforesaid,



Weights and Measures.

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aforesaid, shall yearly and every year, be delivered to the sealer of weights and measures, who shall be chosen and sworn as the law of this State directs, in the several towns : and the sealer of weights and measures within every town in this State, shall post up a notification in writing, in the month of January, annually, requiring all and every person within their respective towns, to bring in to said sealer of weights and measures, all such weights and measures by which they respectively buy or sell ; giving at least fourteen days notice of the time appointed for sealing as aforesaid : and the sealer of such weights and measures, may demand and receive from the owner of all weights and measures so tried, proved and sealed by the town seals, one penny for each weight or measure so sealed by him : which town seals shall be provided by the Selectmen of their respective towns, at the expence and charge of the same.

Weights, &c. to be sealed annually.

Fee therefor.

*And be it further enacted by the authority aforesaid,* That if the Selectmen, or Sealer of weights and measures, within any town in this State, or the Treasurer of the respective counties within this State, do not execute this law so far as it doth appertain to each and every one of them ; such delinquents shall forfeit and pay for every neglect, for the space of one month, the sum of twenty shillings ; the one half for the use of the informer, and the other half for the use of the poor of the town where such delinquent lives, to be recovered by action or information, before any Justice of the Peace within the county where such default is found, who is hereby empowered to hear, try and adjudge the same.

IV.  
Penalty on Selectmen, &c. for neglect of duty.

*And be it further enacted by the authority aforesaid,* That if any person or persons within this State, shall twenty days after being notified by the sealer of weights and measures as aforesaid, sell or vend any wares, merchandise, or other commodities whatsoever, by any other beams, weights or measures, but such as shall be proved and sealed as this act requires, the person so offending shall forfeit for each offence, not exceeding forty shillings ; one moiety thereof for the use of the poor of the town where the offence shall be committed, the other moiety to the informer or him that shall prosecute for the same, to be recovered in manner as aforesaid.

V.  
Penalty for selling by weights or measures not sealed.

*And be it further enacted by the authority aforesaid,* That all beams, weights and measures, kept for standards in the several towns, shall be proved and tried every ten years, by the county standard : and all town standards shall be stamped with this mark, P. D.

VI.  
Weights, &c. to be tried every ten years, & stamped.

*And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to carry in to the sealer of weights and measures, in any town within this State, in order to be sealed, any weights, measures, beams or scales, at the time appointed in manner as beforementioned in this act, it shall and may be lawful for the sealer and sealers of weights and measures, to demand and receive of such delinquent, who shall offer or present any weights, measures, scales or beams, at any other time than the time noti-

VII.  
Penalty for neglecting to carry in weights, &c. to the sealer by the time.

fied by said sealer, in manner as in this act beforementioned, the sum of six pence for every article so offered for sealing.

Passed Feb. 27,  
1787.

An act to encourage the ~~hunting~~ Wolves and Panthers.

Premium for de-  
stroying a wolf or  
panther.

**B**E it enacted by the General Assembly of the State of Vermont, That if any person shall kill and destroy any grown wolf or panther, within the bounds of this State, he shall receive out of the public treasury of this State, three pounds, as a premium for every such wolf or panther; and for every wolf or panther's whelp that sucks, two pounds.

Persons to carry  
the head to a jus-  
tice, &c.

And every person or persons who shall kill or destroy any wolf, panther or whelp, shall carry the head thereof to a Justice of the Peace, one of the Selectmen, or Constables of the town wherein the same was killed; and if there should be no such authority in the town or place where the same shall be killed or destroyed as aforesaid, then to a Justice of the Peace, Selectman, or Constable of any town, in the same county, who shall cut off both ears from such head, and strictly examine such person or persons, where and how, he or they obtained such head, and whether the same was killed within this State; and when the said authority is satisfied thereof, they shall certify the same to the Treasurer of this State, who on receipt thereof is directed to pay the premiums as above directed.

who are to certi-  
fy the same.

Penalty for tak-  
ing a wolf out of  
a trap.

And if any person shall take any wolf or panther out of any pit made to catch wolves, or out of any trap, thereby to defraud the owner or owners of such pit or trap, of his or their due, he shall pay to the owner or owners of such pit or trap, the sum of eight pounds for every wolf so taken out as aforesaid.

Passed March 6,  
1787.

An act prescribing forms of Writs in civil causes.

**B**E it enacted by the General Assembly of the State of Vermont, That the forms of writs in civil actions, in the several County Courts in this State, shall, after the publication hereof, as near as circumstances will admit, be as follows, viz:

AN ATTACHMENT.

Form of an at-  
tachment.

To the Sheriff of ——— county, his Deputy, or either of the Constables of ———, in said county, Greeting.

**B**Y the authority of the State of Vermont, You are hereby required to attach the goods, chattels, or estate, of A. B. of ———, to the value of ——— pounds, lawful money, and him notify thereof according to law; and for want

Form of Writs in Civil Causes.

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want thereof to take his body, it to be found within your precincts, and him safely keep, so that you have him before *[here insert the stile of the Court before which it is returnable, and the time and place of the Court's sitting]* then and there to answer unto C. D. of —, *[here take in the declaration]*. To the damage of the plaintiff, as he says, the sum of — pounds; for the recovery whereof, with just costs, the plaintiff brings this suit: (bonds for prosecution being first given) *[if the law so directs]*. Hereof fail not, but of this writ, and your doings herein, make due return according to law. Dated at —, the — day of —, Anno Domini, 17—.

J. P.

E. F. recognized in £ to the defendant, as surety for }  
costs of prosecution, in due form of law, before me, }

J. P.

S U M M O N S.

Summons

To the Sheriff of — county, his Deputy, or either of the Constables of —, in said county, Greeting.

**B**Y the authority of the State of Vermont, You are hereby required to summon A. B. of —, to appear before *(here insert the stile of the Court before which it is returnable, and the time and place of the Court's sitting)* then and there to answer unto C. D. of —, *(here take in the declaration)*. To the damage of the plaintiff, as he says, the sum of — pounds; for the recovery whereof, with just cost, the plaintiff brings this suit (bond for prosecution being first given) *[if the law so directs]*. Hereof fail not, but of this writ, with your doings herein, make due return according to law. Dated at —, the — day of —, Anno Domini, 17—.

J. P.

If bond for prosecution is given, the like minute is to be }  
made of it as in case of an attachment, and signed. }

E X E C U T I O N.

Execution

To the Sheriff of — county, his Deputy, or either of the Constables of —, in said county, Greeting.

**W**HEREAS C. D. of —, on the — day of —, by the consideration of —, at — recovered judgment against A. B. of —, for the sum of — pounds — shillings and — pence debt, *(or damages if the case be so)* and — pounds — shillings and — pence cost of suit, as appears of record: whereof execution remains to be done.

**T**HESE are therefore by the authority of the State of Vermont, To command you, that of the goods, chattels or lands of the said A. B. within your precincts, you cause to be levied, (and the same being disposed of as the law directs) paid and satisfied unto the said C. D. the aforesaid sums, being £. —

T t

in



## Form of Writs in Civil Causes.

in the whole, with one shilling and sixpence more for this writ, and thereof also to satisfy yourself for your own fees: and for want of goods or chattels of the said A. B. to be by him shown unto you, or found within your precincts, to the acceptance of the said C. D. for the satisfying the aforesaid sums, you are commanded to take the body of the said A. B. and him commit to the keeper of the goal in ———, in the county aforesaid, within the said prison; who is hereby commanded to receive the said A. B. and him safely keep, until he pay the full sums abovementioned, with your fees, or that he be discharged by the said C. D. or otherwise by order of law. Hereof fail not and make due return to me, according to law, within sixty days from this date. Dated at ———, the ——— day of ———, Anno Domini 17—

J. P.

Subpoena.

## SUBPŒNA AD TESTIFICANDUM.

To

Greeting.

**BY** the authority of the State of Vermont, You are hereby required to summon A. B. C. and D. of ———, to appear before *(the name or stile of the Justice or Court, and time and place of sitting)* to give evidence in an action of debt *(or the case, or trespass, as the case shall be)* then and there to be tried, between G. H. plaintiff, and I. K. defendant, on the part of the plaintiff, *(or defendant as the case may be)* and this neither of them may omit, under the pains and penalties in such case directed by law. Dated at ———, the ——— day of ———, Anno Domini 17—

J. P.

Replevin.

## WRIT OF REPLEVIN.

To the Sheriff of ——— county, his Deputy, or either of the Constables of ———, in said county, Greeting.

**BY** the authority of the State of Vermont, you are hereby required to cause to be replevied to A. B. of ———, *(the articles)* now distrained or impounded by E. F. of ———, and by him unjustly detained *(as it is said)*, and deliver the said, *(the articles)* unto the said A. B. and summon the said E. F. to appear before *(the name of the magistrate, or stile of the Court, and time and place of its sitting)* then and there to answer unto the said A. B. in a plea of replevin; for that the said E. F. on the ——— day of ———, at ——— aforesaid, took *(the articles)* and them unjustly detained, at ——— aforesaid, against pledges and sureties, until this time, to the damage of the plaintiff ——— pounds lawful money; and therefor, with just costs, he brings this suit *(the plaintiff having given sufficient surety to prosecute this action to effect; and make return of the said goods, if a return thereof shall be awarded.)* Hereof

fail

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fail not, but make due return of this writ, with your doings thereon, according to law. Dated at -----, the ----- day of -----, Anno Domini, 17---.

J. P.

B. S. recognized in due form,  
in £-----, before me,

J. P.

WRIT OF EJECTMENT.

Ejectment

To the Sheriff of ----- county, his Deputy, or either of the Constables of -----, in said county, Greeting.

BY the authority of the State of Vermont, You are hereby required to summon A. B. (the casual ejector) to appear at the County Court, to be held at -----, in and for the county of -----, on the ----- Tuesday in -----, then and there to answer unto C. D. of -----, in plea of trespass and ejectment, wherein the plaintiff complains that E. F. of -----, [the lessor of the plaintiff], on the ----- day of -----, Anno Domini -----, at ----- aforesaid, had demised, granted, and to farm letten, to the plaintiff, [describing the land] with the appurtenances, situate and being at ----- aforesaid, and now or late in the tenure or occupation of G. H. of -----, [the tenant in possession] or his assigns. *To have and to hold* the said messuage and tenements, with the appurtenances, to the said E. F. and his assigns, from the ----- day of ----- then last past, to the full end and term of ----- years, from thence next ensuing, and fully to be complete and ended. By virtue of which demise, the said plaintiff entered into the tenements aforesaid, with the appurtenances, and was thereof possessed, until the aforesaid A. B. afterwards, to wit, on the ----- day of -----, Anno Domini 17---, with force and arms, entered into the tenements aforesaid, with the appurtenances, (in and upon the possession of the plaintiff) and ejected, expelled and amoved the plaintiff from his said farm, (his said term not being yet ended) and kept out, and still keeps out the plaintiff from his possession aforesaid: and then and there did other injuries to the plaintiff, against the peace, and to the damage of the plaintiff ----- pounds lawful money; and to recover the possession of the said premises, with the said damages, and just costs, the plaintiff brings this suit. Hereof fail not, and of your doings herein, make due return according to law. Dated at -----, the ----- day of -----, Anno Domini 17---.

J. P.

Notice to be given to the Tenant in possession.

SIR,

(The date).

Notice to tenant in possession.

I am informed that you are in possession of, or claim title to the premises, in this declaration, or writ of ejectment mentioned, or to some part thereof; and I being sued in this action as a casual ejector, and having no claim or title to the said premises, do advise you to appear at the County Court, to be holden at -----, in and for the county of -----, on the ----- Tuesday in -----, and

and then and there by rule of the same Court, to cause yourself to be made defendant in my stead, otherwise I shall suffer judgment to be entered against me, and you will be turned out of possession.

Your loving friend,

A. B.

To Mr. G. H. tenant in possession of }  
the premises, or some part thereof. }

*Writ of possession  
and execution.*

WRIT OF FACIAS HABERE POSSESSIONEM AND FIERI FACIAS.

*To the Sheriff of — county, his Deputy, or either of the Constables of —, in said county, Greeting.*

**W**HEREAS C. D. of E. before [*here mention the stile of the Court, and the time and place of its sitting*] by the consideration of the said Court, recovered against A. B. of —, his term yet to come, of and in, [*as in the declaration*] with the appurtenances; situate and being in P. in the said county; which the said A. B. had unjustly withheld, put out, or amoved the said C. D. from his possession thereof; and also at the said Court recovered judgment for —, for costs and damages, which he sustained by reason of the same, as appears of record; whereof execution remains to be done.

**B***Y the authority of the State of Vermont,* You are therefore hereby commanded, that without delay, you cause the said C. D. to have his possession of his term aforesaid, yet to come, of and in the tenements aforesaid, with the appurtenances. And that of the goods, chattels or lands of the said A. B. within your precincts, you cause to be levied, paid and satisfied unto the said C. D. the aforesaid sum of —, which to the said C. D. was adjudged for his costs and damage, and one shilling and sixpence more for this writ, and thereof also to satisfy yourself for your own fees; and for want of goods or chattels of the said A. B. to be by him shown unto you, or found within your precincts, to the acceptance of the said C. D. for the satisfying the aforesaid sums, you are commanded to take the body of the said A. B. and him commit to the keeper of the goal at —, in the county aforesaid, within the said prison, who is hereby commanded to receive the said A. B. and him safely keep, until he pay the full sums abovementioned, with your fees, or that he be discharged by the said C. D. or otherwise by order of law. Hereof fail not, and make due return to me, within sixty days from the date of this writ, and your doings therein. Dated at —, the — day of —, Anno Domini 17—.

T. G. Clerk of said Court.

WRIT



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WRIT OF SCIRE FACIAS QUARE EXECUTIONEM NON-POST  
ANNUM.

Scire facias.

To the Sheriff of — county, his Deputy, or either of the Constables of —, in  
said county, Greeting.

**W**HEREAS C. D. of —, before [the stile of the Court, and time and  
place of its sitting] by the consideration of the said Court, [or Justice]  
recovered against A. B. of —, the sum of —, debt [or damages] and also  
— costs and charges, by him about his suit in that behalf expended, where-  
of the said A. B. is convicted, as appears of record : and although judgment  
be thereof rendered, yet execution for the said debt, [or damages] and costs,  
yet remains to be made ; whereof the said C. D. hath supplicated a proper  
remedy to be provided for him, in that behalf. To the end therefore that  
justice may be done, you are hereby required, by the authority of the State of  
Vermont, to make known to the said A. B. that he be before [the stile of the  
Court, and time and place of its sitting] to show cause, if any he have, wherefore  
the said C. D. ought not to have his execution against him the said A. B. for  
his debt, (or damages) and costs aforesaid : and further to do and receive, that  
which the said Court, (or Justice) shall then consider of him in this behalf.  
Hereof fail not, and make due return of this writ, with your doings herein,  
according to law. Dated at —, the — day of — Anno Domini 17—.

J. P.

That a summons and declaration, in an action of account on book, before  
the County Court, shall be, as near as circumstances will admit, in the form  
following, viz.

To the Sheriff of the county of —, his Deputy, or either of the Constables of —, in  
said county, Greeting.

Summons in ac-  
count on book.

**B**Y the authority of the State of Vermont, You are hereby required to sum-  
mon A. B. of G, to appear before [the stile of the Court, and time and place  
of its sitting] then and there to answer unto C. D. of H. in a plea that he  
render to the plaintiff the sum of —, which he justly owes by book to  
balance book accounts, as by the plaintiff's book, ready in Court to be shown,  
may appear ; nevertheless the defendant hath refused, and still doth refuse, to  
render to the plaintiff his reasonable account, or to pay the balance thereupon  
due, although often thereunto requested, which is to the damage of the plaintiff  
the sum of — ; and therefor, with just costs, he brings this suit. Hereof  
fail not, but of this writ, with your doings thereon, make due return. Dated  
at —, the — day of —, Anno Domini 17—.

J. P.

Summons before  
a justice.

A SUMMONS before a JUSTICE.

*To either of the Constables of -----, in the county of -----.*  
**BY** the authority of the State of Vermont, You are hereby commanded to  
 summon A. B. of -----, in the county of -----, to appear before me, at  
 -----, on the ----- day of -----, at ----- o'clock in the ----- noon, to  
 answer unto C. D. of -----, in an action upon bond, [bill, note, promise, book,  
*&c. &c. as the case may be*] to the damage of the plaintiff, £----- Hereof fail  
 not, and of your doings herein, with this precept, make due return according  
 to law. Given under my hand, this ----- day of -----, 17----

J. P.

Attachment be-  
fore a justice, or  
warrant.

A WARRANT or ATTACHMENT before a JUSTICE.

*To either of the Constables of -----, in the county of -----.*  
**BY** the authority of the State of Vermont, You are hereby commanded to  
 apprehend the body of A. B. of -----, [or to attach the goods, chattels, or  
*estate of A. B. of -----, as the case may be*] and have him before me, at -----  
 on the ----- day of -----, at ----- o'clock in the ----- noon, [or forthwith in  
*criminal cases*] to answer to C. D. of -----, in an action [as in the summons].

Passed March 3,  
1787.

An act to restrain the taking of excessive Usury.

No person to take  
more than 6 per  
cent. for usury.

**BE** it enacted by the General Assembly of the State of Vermont, That no person  
 or persons whatsoever, upon any contract hereafter to be made, shall take  
 directly or indirectly, for loan of any monies, wares, merchandizes, or other  
 commodities whatsoever, more than the value of six pounds, for the forbear-  
 ance of one hundred pounds for a year; and so after that rate for a greater or  
 less sum, or for a longer or shorter time. And that all bonds, contracts,  
 mortgages, and assurances whatsoever, hereafter to be made, for the payment  
 of any principal or money lent, or covenanted to be lent, upon or for usury,  
 whereupon or whereby, there shall be reserved or taken, more than the rate of  
 six pounds on the hundred as aforesaid, shall be utterly void.

Penalty for tak-  
ing more than 6  
per cent.

And any person whatever, who shall upon any contract take, accept or  
 receive, by ways or means of any corrupt bargain, loan, exchange; or by  
 covin or deceitful conveyance, or by any other ways or means whatever, for  
 the forbearing, or giving day of payment for one whole year, of and for their  
 monies, or other thing or things, above the sum of six pounds, for the for-  
 bearing of one hundred pounds for a year; and so after that rate for a greater  
 or less sum, or for a longer or shorter time, shall forfeit and pay for every such  
 offence, the full value of the goods and monies, or other thing so lent, exchanged,  
 bargained,

Restraining excessive Usury.

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bargained, sold, or agreed for ; one moiety thereof to the public treasury of this State, the other moiety to the informer that shall sue for and prosecute the same to effect.

*Provided nevertheless,* That nothing in this act shall extend to the letting of cattle, or other usages of the like nature in practice among farmers, or maritime contracts, bottomry, or course of exchange, as hath been heretofore and still is accustomed. *Provide.*

And when the defendant in any action at law, on such bond, bill, mortgage, note, or other instrument, shall suppose no sufficient evidence in law can be produced of the usury therein contained, it shall be lawful for the defendant in such action to inform the Court before which such action is brought, by filing his bill in equity, with the Clerk of such Court, on the second day of the Court's sitting, that such bond, bill, mortgage, note, or other instrument, is usurious and oppressive, and the Court shall proceed to examine the parties on oath, or in any other way proper for a Court of equity. *Defendant may file his bill in equity.* And if the plaintiff shall refuse to be examined on oath, he shall be nonsuit, and the defendant shall recover his costs. *& court to examine the parties on oath.*

And if on trial the Court shall find such bond, bill, note, mortgage, or other instrument, usurious and oppressive, they shall adjust the same in equity ; and shall give judgment that the plaintiff shall recover no more than the just value of the goods, &c. sold, or than the principal sum which the defendant received of the plaintiff, without any interest or advance thereupon. *& adjust the same in equity.*

*Provided,* That nothing in this act shall be construed to prevent any person from proceeding, on full evidence, against excessive usury, and usurious contracts, either in defending or recovering thereon, as is before in this act provided. *Provide.*



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...the ... of the ... in the ... of the ...